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THE NEW REPUBLIC

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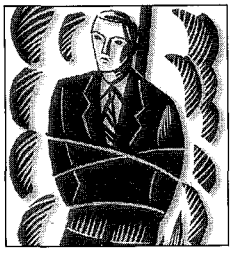

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CORRESPONDENCE

Game of chance

To the editors:

Robyn Gearey ("The Numbers Game," May 19) makes a persuasive case about the immorality of government lotteries conning the poor. However, her argument that a fair shake requires a high probability of winning is false. The critical number is the expected return on investment, which in the lotteries is typically 50 percent, and in roulette is 95 percent (the odds of winning are 1 in 38, not 1 in 35). Either way, Gearey is right about one thing: you are ruined if you play long enough.

J.A. HARTIGAN
New Haven, Connecticut

To the editors:

Robyn Gearey's "The Numbers Game" made a number of interesting points about the lottery industry. However, one point made by the author is misleading even though the facts are presented accurately. Gearey compares the odds of winning a $45 million jackpot to the odds on betting the favorite at a race track. She tells us that race-track odds are about 3 to 1. In order to win $45 million at the race track, I would have to pick about 15 million consecutive winners if I bet $1 at 3 to 1 odds. Everyone who buys a lottery ticket knows that the odds against winning are extremely high. The attraction is, of course, that the investment is small and the rewards so massive.

The issues Gearey brought up needed to be raised. Nevertheless, if she wants to make a point about lottery advertising misleading the public, she might want to avoid the same sort of misleading statement herself.

ROBERT L. HERTZOG
Richmond, Indiana

To the editors:

Robyn Gearey charges that state lotteries mislead and manipulate the facts. After reading her piece, I think the same things could be said about your magazine.

Whatever happened to the journalistic concept of objectivity and fairness? As you trash state lotteries, portrayed as tattooed thugs, not one attempt is made to highlight or even allude to the many successes of such lotteries.

The Georgia Lottery has become a model for the nation. Since its creation in 1993, our lottery has generated more than $1.8 billion for education in my state. Every single penny goes into three education programs and three education programs only.

Our Helping Outstanding Pupils Educationally scholarship program pays full tuition, mandatory fees and a book allowance at our public colleges, universities and technical schools for any student who graduates from a public or private high school with a "B" average. So far, more than 240,000 Georgia students have earned such scholarships.

Our lottery completely funds our statewide voluntary prekindergarten program for every 4-year-old in the state who wants it. Since 1993, we have served more than 128,000 kids. The lottery has also provided $782 million in funds for state-of-the-art classroom computers, satellite dishes, media centers and vocational equipment, opening up Georgia schools to the world.

As for Gearey's fear of a shell game with tax money, have no fear. While our lottery has contributed these three programs to my state, spending on education as a percentage of general revenues has increased in my term from 50.8 percent to 54 percent. Not one red cent has been supplanted by lottery money.

Finally, Gearey makes broad-brushed charges that lotteries "rook the poor" and "overwhelmingly, lotteries draw their players from the poor and the less-educated members of society, those least able to afford to contribute to state coffers."

Overwhelmingly? Since Gearey likes to quote *The Atlanta Journal and Constitution* as a credible source in her article, let me quote their own marketing research conducted in April and May of last year. They found lottery players to be 73 percent white. Only 8.6 percent of the players had incomes from $0-$24,000, while 28 percent had incomes between $35,000 and $49,000 and 27 percent had incomes between $50,000 and $74,000.

In terms of education, 33 percent were high-school graduates, 21.7 percent had some college, 25 percent had college degrees and 10 percent had advanced degrees. Similar studies in other states show the same results. Those hardly seem to be the kinds of numbers to generate such surprisingly liberal, paternalistic feelings from your magazine.

I'm not asking you or your readers to believe the success of the Georgia Lottery. I just thought the purpose of an objective piece of journalism was to at least present some part of the other side so your readers could judge for themselves. You clearly disagree.

But, I tell you what: you guys just keep on writing, and we'll just keep on providing free prekindergarten and free college educations to our citizens.

GOVERNOR ZELL MILLER
Atlanta, Georgia

Robyn Gearey replies:

The marketing studies that Governor Miller cites are misleading. While it is true that people from all points on the socioeconomic spectrum play the lottery, the poorer, less-educated citizens spend much more, as a percentage of income, than their wealthier counterparts. But more important is the question of whether states should be in the business of gambling in the first place. All those young Georgians educated with lottery money are learning a powerful lesson indeed—that gambling is the easy way out.

Foul play

To the editors:

In his zeal to defend the supermarket tabloids, William Powers committed a flagrant foul against me for daring to question their tactics ("Getting Kathie Lee," June 9).

I confess that I had the temerity to criticize the *Globe* for paying a woman $75,000 to lure Frank Gifford to a hotel room where a hidden camera would videotape their liaison. If Powers wants to cast this as a noble public service and dismiss my views as Neanderthal, fine. Media reporters are certainly fair game. But to declare, as he does, that I "speak" for some "media gentry" in opposing journalistic entrapment is nonsense. I speak for myself, period, just as I assume Powers doesn't view his scribblings as advancing some agenda dictated by Martin Peretz.

I do plead guilty to one old-fashioned, establishment value—I call people before I criticize them in print. Had Powers bothered to call me, I would have noted that just last September I praised the *National Enquirer* and the *Star* for shedding "considerable light" on the character of Bill Clinton and Dick Morris in ways the mainstream media had failed to do. In other words, I too think the supermarket tabs play an important role, as long as they don't set up their victims. But actually checking the record would have ruined his story line.

HOWARD KURTZ
The Washington Post
Washington, D.C.

William Powers replies:

My piece said neither that tabloid entrapment is noble, nor that Howard Kurtz has Neanderthal views on any subject. I observed that the mainstream press profits hugely from tabloid journalism while simultaneously sneering at it, and that this is hypocrisy. Since Mr. Kurtz is just one gear (albeit an important one) in the subtle machine that alchemizes tabloid "trash" into elite newspaper fare, and since his motives are no doubt good, I can understand why my argument upset him.

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This doesn't change the fact that by rushing stories like the Gifford affair into the *Post* as media-beat news, often with undisguised glee (his lead sentence described "[i]ntimate photos of former football star Frank Gifford embracing a blonde who is very definitely not Kathie Lee Gifford"), Mr. Kurtz allows the elite outlets to have it both ways. His Gifford piece went out on the *Post*'s wire service and ran in papers from Long Island to Ottawa to Las Vegas, as well as in the *International Herald Tribune*. While the *Globe* story he condemns was still on the stands, Mr. Kurtz effectively promoted it to much of the English-speaking world and legitimized its crossover to the broadsheets. In the succeeding days, the betrayal of Kathie Lee—without the media angle—was smoothly transformed into a respectable news item, appearing all over the quality media, including the cover (twice) of *People* magazine. I'm not sure what's more fascinating: the process itself or Mr. Kurtz's apparent unawareness of his role in it.

Before writing, I read all of Mr. Kurtz's work on the tabloids, including the piece he cites, and found the prevailing tone one of disdain. His claim that "old-fashioned" values demanded that I call him for comment would be a fair criticism if my piece had been, like most of his articles, a news story on the media. When writing such stories, I, too, seek comment from everyone concerned. But in this case I was writing a piece of pure criticism. As Mr. Kurtz should know, a critic—whether of movies, books or the press—is not only not obliged to discuss his opinions with the people whose work he is critiquing, but should keep his distance from them.

Influence peddling

To the editors:

It amazes me how Glenn C. Loury ("Pride and Prejudice," May 19) thinks the notion of ancient Greeks stealing essential ideas from Egyptian civilization is "just plain silly." I need to remind Loury, as is widely accepted, that Greek art and civilization were highly influenced by Egyptian culture, and many notable Greeks, including Plato, who visited there ten years after the death of Socrates, traveled across the African continent. So why, then, is it implausible to accept the Afrocentric's claim from the preceding consideration? The fact is that the powers that *are*—not *be*—refuse to examine anything that would invalidate the Western philosophical tradition.

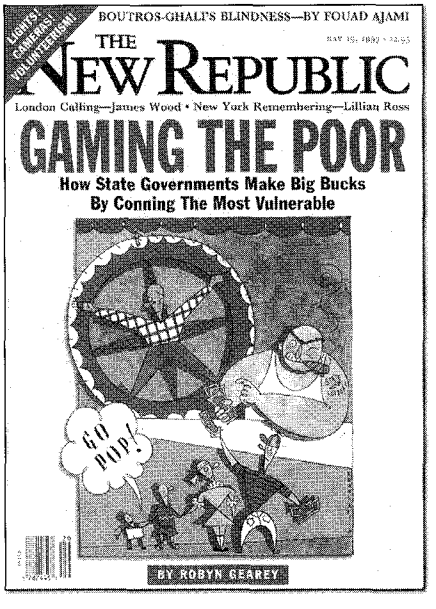
Furthermore, it would be a mistake to forget the influence of black Africa on Egypt, irrespective of its antiquity. Would he ask a classicist to forget the influence of Greece on Western civilization? I certainly doubt it. The solution to focus on the past 250 years of African influence because of its immediacy is also in error. After all, the last time I checked, the oldest human bones were found in Africa. Or should we forget that, too?

DANNY DISLA
Brooklyn, New York

Helping hands

To the editors:

In "I Volunteer" (May 19), Michael Kelly chastises the Clinton administration for not volunteering information to the House Government Reform and Oversight Committee, indicating that they are being deliberately dishonest in their lack of compliance. Kelly's indignation rests on the assumption that the request for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THE NEW REPUBLIC
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GAMING THE POOR
How State Governments Make Big Bucks
By Conning The Most Vulnerable
GO POP!
BY ROBYN GEAREY

information is an honest pursuit of truth, rather than partisan politics as usual. Of course, the Clinton administration is holding back, and why shouldn't it? If the investigation were likely to look into Republican congressional abuses with the same fervor with which it seeks to evaluate Clinton and the Democrats, and if it were likely to lead to the sort of campaign finance reform that is needed in this country, Kelly might have a point. Why should the administration help its enemies any more than it has to? In "Obstruction of Justice" (May 19), the editors report that some Republicans are still unreconciled to Clinton's re-election. And that is what this is really about. There is no question that there have been abuses of the campaign finance system that were essential to Clinton and to the Republican Revolution. Maybe Michael Kelly could volunteer to do something about it besides slam good ideas, like volunteering.

GREGG LOGAN
Atlanta, Georgia

Not kosher

To the editors:

I am not sure of the purpose of Florence Williams's "Shtetlers" (May 19), but if she wants to write about kosher slaughtering, she should have more knowledge about the subject than the article exhibits.

The person who performs the kosher slaughtering is called a *shochet*, and he may or may not be a rabbi; similarly, being a rabbi does not make one a *shochet*. The *shochet* does not bless the animal or the meat. He recites a blessing at the beginning of the day to thank the Almighty for the privilege of performing this task. He does not recite this blessing before each animal is slaughtered.

JERROLD P. KATZ
Cambridge, Massachusetts

Talking heads

To the editors:

I take issue with Hanna Rosin's conclusion in "Blah-blah," her report on the Presidents' Summit (May 19). After taking on the summit for its "talkiness" in piercing journalistic prose, she claims "I go home, silent." That's exactly what she did not do. She did what she came to do, talk about it.

The first president of Czechoslovakia, a venerable champion of democracy, Tomáš Masaryk, observed that "democracy is a discussion." Masaryk recognized that free and open discussion was so important to a free society that he considered it the very essence—the DNA—of democracy.

The summit was a place for high-minded talk, it is true. But it did not pretend to suggest that volunteers could cure all of our social ills by either their talk or their actions; it aroused people to take as their responsibility the common good. It reminded all of us that democracy is participatory or it is not democracy. Banalities and clichés were abundant; but so were the deliberations of local delegations who returned to their communities with renewed resolve to fix things.

Rosin has every right to criticize the summit because she lives in a free society. I celebrate her right and the right of the press to be open and independent. But I wish she wouldn't call that silence.

SONDRA MYERS
Washington, D.C.

The editors welcome correspondence from readers. Letters should include the writer's full name, address and telephone number; be typed double-spaced; and be held to under 200 words. Letters may be edited for space. Please address letters to: Correspondence, TNR, 1220 19th Street, N.W., Washington, D.C. 20036.

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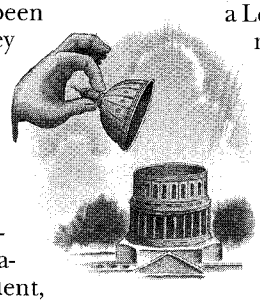
FROM WASHINGTON

In the pipeline

When, last fall, the Clinton soft-money scandal began to emerge, the White House enjoyed the comfort of a layered defense. It was built of several adverbial emphases: the fund-raising operation that gathered millions from contributors invited to visit the White House was a Democratic Party operation, not ours; no one ever *specifically* sold access to the president or any other high official; neither the president nor any other high White House officials *personally* solicited money at the White House; and no donor received any governmental favors *solely* in exchange for contributing.

This last line of defense was the vital one. In Washington, the world capital of technical virgins, it is commonly agreed that a bribe is not a bribe unless the transaction is consummated—unless a quid pro quo can be demonstrated. It is not enough that someone desires a favor, or that this someone gives money or that a favor is granted. For a proper quid pro quo, all three conditions must obtain: the giver must desire a favor, he must fork over the cash, and he must receive the favor.

Over the past several months, the White House has lost all but the last of these defenses. It has been shown that the soft-money operation was created and supervised by the White House, with the direct involvement of the president himself. It has been shown that soft-money donors gave in clear expectation of, or in thanks for, occasions of access to the president, with specific prices for specific levels of access. It has been shown that high White House officials personally solicited money.



But, still, the quid pro quo line held. No incident of giving could be shown to have satisfied the requirements of desire, transfer and delivery.

Now that line, too, is gone. Late in the afternoon of June 3, White House officials told reporters at *The Washington Post*, *The Los Angeles Times* and *The Wall Street Journal* that President Clinton, in the spring of 1996, personally directed a senior White House aide to explore whether the U.S. government should reverse its policy and officially support a multibillion-dollar commercial project that was the fondest hope of a major DNC donor. The president issued his order at the request of the donor, and his order was carried out.

The story, as reported, in brief: in 1995, a Lebanese-American oil financier named Roger Tamraz began seeking U.S. government backing for his plan to build a pipeline from the oil fields of the Caspian Sea across the Caucasus to Turkey. Tamraz took his case to Harry Gilmore, the U.S. ambassador to Armenia; to Jack Carter, an official with the Department of Energy; to senior State Department officials; and, on June 2, to Sheila Heslin, a director of Russian, Ukrainian and Eurasian affairs at the National Security Council. Tamraz found that the U.S. supported the idea of a Caspian Sea pipeline in order to break the Russian monopoly on oil from this region. But, he was told, the government had examined his proposal and had decided not to support it, or any of the other competing commercial proposals. American policy was set: no official support for the Tamraz project. There were reasons not to back Tamraz; among others, he was wanted for questioning about embezzlement in Lebanon, and he was reportedly going around Turkey telling everyone that he had a fix in at the White House. Heslin recommended that Tamraz be granted no further meetings higher up the White House command, and that he not be invited to White House events.

What's an oilman to do? Tamraz began contributing money to the Democratic Party, eventually giving at least $177,000 in 1995 and 1996 to the DNC and to state Democratic parties. He then tried to use his new position as a DNC donor to effect a reversal of the pipeline policy. In August 1995, Tamraz's business associate, Haroun Sassounian, approached Vice President Gore at a White House coffee for contributors and made a pitch for his plan. Tamraz also sought a private meeting with Gore. But, with the NSC, at Heslin's urging, recommending against high White House officials meeting with Tamraz, Gore refused to meet privately with him or, as far as we know, to intervene on his behalf.

Realizing that Heslin was the bar at the door, Tamraz sought an audience with

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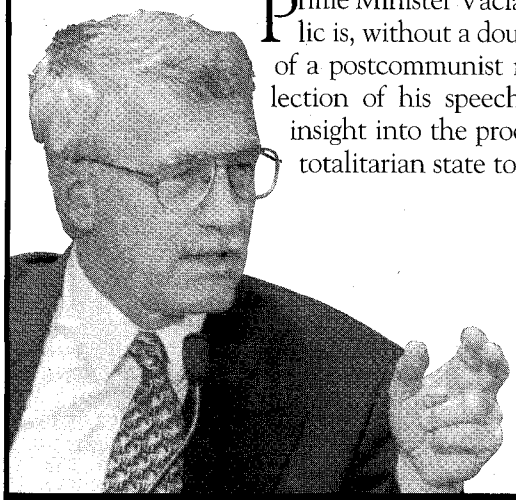

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THE NEW REPUBLIC

JUNE 23, 1997

C'EST FINI

The electoral revolt that has replaced French President Jacques Chirac's ruling Gaullist party with a Socialist-Communist coalition led by the Socialist leader Lionel Jospin has a wonderfully appropriate quality to it. It is so perfectly perverse, so perfectly *comme toujours*. So perfectly French. As the rest of the world shuts the door on the disastrous and dismal and discredited experiment of Marxism, the French, in the grand tradition that produced the reigns of Robespierre, Napoleon and Vichy, have regarded the political scene, examined the historical evidence, analyzed the current situation, discussed the future ramifications—and chosen precisely the most obtuse and suicidal course possible. With these elections, the French embrace a full-scale comeback of socialism.

The promise of the winning coalition is as mindless as it is sweeping: to turn all the French classes into one single leisure class. This represents a thorough rejection of Chirac's failed efforts to reform the dirigiste French economy, but it represents more than that: France has decided that everyone else got the twentieth century wrong and that capitalism really doesn't work. Jospin ran on a program calling for reducing the work week from thirty-nine to thirty-five hours with no loss in pay and for creating 700,000 new jobs for young people, half of which would be in local community projects. Given that France already spends 54 percent of its GDP on the public sector and that its economic productivity has been steadily declining over the past decade, these proposals are a recipe for disaster. And Jospin's platform represents the *moderate* views in the winning coalition. To defeat the right, Jospin struck an electoral alliance with the Communist Party, and he will depend on its support in the National Assembly.

But there is silver in the blackest cloud, and France's loss is Europe's great gain. The French, with their customary selflessness, have sacrificed themselves to bring about a larger mercy killing. These elections have ended any hope for a common European currency, the Euro, one of the great blunders of our time. The French election was, in effect, a referendum on the Euro. Since the ratification of the 1992 Maastricht Treaty calling for a single currency, France and Germany have pushed for the Euro. Under the treaty's terms, in order to qualify for the common currency, countries must adhere to debt, deficit and inflation limits.

For the French, the Euro offered the chance to bind Germany into a single Europe by harnessing its economic might to French political influence. For the Germans, the Euro was supposed to accomplish three things. It would save the Germans from themselves by denationalizing Germany; it would "Germanize" Europe economically by imposing tight monetary policies; and it would create a Franco-German axis that functioned as a counterweight to the United States.

The victory of the French Socialists and the strong showing of the Communists has upset all of these assumptions. The French electorate was rebelling even more against Germany than its own government. Since unification took place in 1989, the German Bundesbank has maintained high interest rates in order to avoid inflation from the massive deficits that Bonn has been incurring in order to finance reunification. This tight monetary policy that the Bundesbank adhered to has infuriated the French, who must now maintain high interest rates—despite nearly 13 percent unemployment—in order to maintain the franc relative to the deutsche mark. The Euro became the target of Gallic pique, and so the Gauls voted.

To be sure, Jospin continues to claim that he supports the Euro. But the Euro that the French support is a weak currency that would reproduce the ever more wildly inefficient French welfare state all over Europe. Jospin maintains that Italy should be in the first round of the Euro even if it doesn't qualify on budget requirements. The French have already constructed a web of protectionist measures to protect their farmers and industry from foreign competition (in other words, the United States). A weak European currency would make their exports cheap and further permit the French to shield their economic interests. But now, the British and the Germans can legitimately ditch the Euro. The end of Maastricht will not mean the end of the European Union, but it will mean the beginning of the end of the worst excesses of unionism. In returning to the lure of the old one-world utopianism, the French have struck a smashing if accidental blow against the new one-world utopianism. *Merci beaucoup.* •

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NOTEBOOK

BURNT BY THE SUN: It took conservative zealots just two years to renounce, ravage and reject Newt Gingrich as helmsman of their revolution. It has taken them less than one year to do the same to Trent Lott. (That's progress!) Frustrated with Lott's compromises, conservative Senate staffers are already mulling over the possibility of deposing their onetime savior. And though there's little chance an insurrection would succeed, an ugly internecine battle is already brewing. North Carolina Senator Jesse Helms recently accused Lott of betrayal for passing the Chemical Weapons Convention, and Phil Gramm of Texas derides the Lott-brokered budget deal as a sellout. More ominous, sniping between Lott and his No. 2, Oklahoma Senator Don Nickles, has set the stage for a bona fide power struggle. "Nickles sees himself as the heir apparent, and he's constantly at Lott's heels," says a top Senate aide. Indeed, Nickles is acting just the way Lott acted last year toward the more moderate Bob Dole, which is to say, devilishly. The real party insurgents, meanwhile, are pounding Lott from the outside. In *The Weekly Standard*, Bill Kristol tagged Lott with the ultimate epithet for defectors: "Clintonian." Paul Weyrich, an architect of the GOP takeover in 1994, even penned an open letter to Lott, his longtime friend, informing him, in lengthy and blistering terms: "I no longer trust you." (Lott's office has, in fittingly childish retaliation, revoked the special Capitol access that the Senate has granted Weyrich since he broke his back in an accident.) Lott's woes are only the most recent sign that Republicans cannot get used to life outside the wilderness, where they roamed for forty years. After decades of defining themselves through shared rejection by the Washington establishment, they reflexively react to any sign of bipartisanship, or even productive leadership, in a fellow GOPer as a signal to hit the purge button. A May *Wall Street Journal* editorial accused onetime conservative darling House Budget Chairman John Kasich of behaving like "William Jefferson Kasich." And after Utah Senator Orrin Hatch cosponsored a child-health insurance bill with Massachusetts Democrat Ted Kennedy, his GOP colleagues tried to eviscerate his powers as Judiciary Committee chairman. The latest example of just how crazed the Republican frenzy for fratricide has become is Helms's June 3 pronouncement that he intends to deny a confirmation hearing to William Weld, Clinton's appointment for ambassador to Mexico and one of the GOP's brightest stars. It seems Weld has some suspect views on marijuana, among other things, so it's to the tumbrels with him. "It's like shark-infested waters up here," says one GOP aide, "only we're eating ourselves." The amazing thing is that Republicans have largely achieved their ends—overturning the welfare system and rolling back federal spending—all with a Democrat in the White House. Indeed, Democrats—wracked by their own identity crisis—may finally have a strategy to regain control of Congress: Let Republicans win. It's killing them.

POP AND CIRCUMSTANCE: While grade inflation at universities is an old story, we now have more dramatic proof that American academia is in decline: call it degree inflation. Recent "honorary degrees" went to such illustrious intellectuals and statesmen as Whoopi Goldberg at Brandeis, Billy Joel at Hofstra and Red Sox slugger Mo Vaughn at the University of Massachusetts, where the ceremony had to be rescheduled so that Vaughn could attend the afternoon Yankees game. These "graduates" join the noble ranks of previous honorees, including Jerry Seinfeld, Neil Diamond, Bruce Willis and Kermit the Frog, who received a "doctorate in amphibious letters" from Southampton College in 1996. But the true death knell of the university may be yet to come. According to *The Washington Post*, D.C. Mayor Marion Barry's friends think they have finally found a way to lure the convicted felon out of office: a $1.5 million endowed chair at the University of the District of Columbia. Congratulations, Class of '97!

THE REVOLTING DOOR: Just deserts are not often seen in Washington, but every so often a man gets his due. And so we are delighted to note that the noted Democratic journalist Sidney Blumenthal, having worked so long for the Clinton White House outside the Clinton White House, will now work for the Clinton White House inside the Clinton White House. He is, as *The Washington Post* reported, "moving to the White House in six to eight weeks to work in a newly created position as assistant to the president on the communications team." Many congratulations. With any luck, one of his journalist colleagues remarked, he'll get his back pay. We do not doubt that Blumenthal believes in Clinton, whatever that means. (How do you believe in somebody who believes in everything?) It is not the White House that will suffer for his presence. It is the honest discussion of politics in America that will not suffer for his absence. Blumenthal made his reputation (in the pages of this magazine, too) with bitter criticism of journalists, pundits and hangers-on-and-around who toadied to Reagan and the Republicans. Such toadying, he proclaimed, is a corruption of the discourse. So it is better to have the lines clearly drawn. And the timing is certainly right. The moment has met the man when Blumenthal formally enlists on the president's communications team as communications from the White House are most urgently taken up with what did or did not happen in a hotel room in downtown Little Rock. Already, we suppose, the salons and the television studios of Washington are filling up with fresh-from-the-inside whispers on the Rabelaisian life of Paula Jones.

HOME NEWS: This week we welcome Jonathan Cohn, formerly executive editor of *The American Prospect*, as TNR's executive editor. Acting Executive Editor Peter Beinart joins the elite and serried ranks of the senior editors. •

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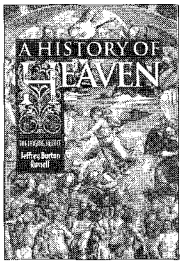
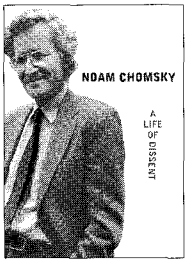
Focus.

Books for Serious Readers.

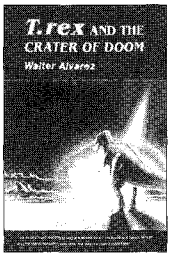
A History of Heaven
by Jeffrey Burton Russell
"Bold in its historical sweep and assured in its scholarly depth, [this] is vintage Russell—a wonderfully imaginative evocation of the celestial theme...."
—Francis Oakley, Williams College
(Princeton University Press)
$24.95

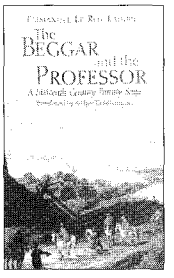




Noam Chomsky: A Life of Dissent
by Robert F. Barsky
The first biography of the esteemed 20th-century intellectual and social activist is "an essential book not only for Chomsky aficionados and adversaries, but for all students of American political and intellectual life."
—Russell Jacoby, UCLA
(The MIT Press)
$27.50

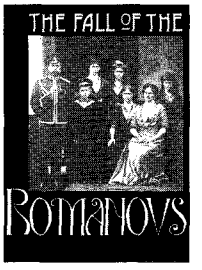
T.rex and the Crater of Doom
by Walter Alvarez
The story that waited 65 million years to be told unfolds in this remarkable tale of scientific detection. Scientist Alvarez posits new answers to the question: What made the dinosaurs extinct?
(Princeton University Press)
$24.95

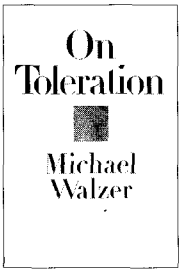




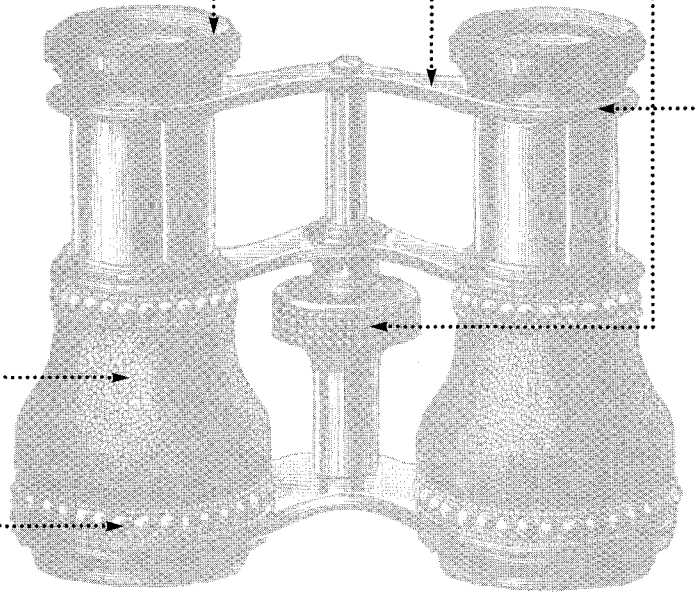
The Beggar and The Professor
by Emmanuel Le Roy Ladurie
Drawing from 16th-century memoirs, the author reconstructs the rags-to-riches saga of Thomas Platter and his sons, whose startling social ascent gave birth to a robust new bourgeoisie in early modern Europe.
(The University of Chicago Press)
$29.95

The Fall of the Romanovs
by Mark D. Steinberg and Vladimir M. Khrustalëv
The passions and events that led to the arrest, captivity and execution of Russia's last tsar are chronicled in this "extraordinary book. It is essential reading for anyone interested in Western history."—*New York Times Book Review*
(Yale University Press)
$15.00





On Toleration
by Michael Walzer
One of the most influential political theorists of our time offers an eloquent defense of tolerance and common citizenship. This cautionary, yet hopeful book is filled with lessons for coping with cultural pluralism in modern democracies.
(Yale University Press)
$16.50



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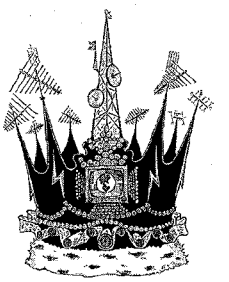
MEDIA REX

FEEDING TUBE

By William Powers

For devotees of the small screen, these are wondrous times. The tube we once considered boobish has thrown off the chains of the three-network oligarchy and embarked on the road to a brilliant digital future, where, we are told, it will any day now join in congress with the computer and beget something rich and strange. But I must confess that the enormity of the promise did not fully hit me until I got Motivision.

Motivision, in the words of its creators (Motivision America Inc.), is "an electronic instrument that turns regular television viewing into a powerful mind-body tool to help viewers effortlessly embrace weight loss and healthy eating habits." More concretely, it is a dove-gray plastic box about the size and weight of a pound of chocolates that retails for $250 and hooks into your television, programming it to flash a series of brief messages at you, the viewer. You turn on the set, and, while watching "Ellen" or "The McLaughlin Group," the phrases come at you at very high speed, too quickly to read consciously. The company claims these messages penetrate the subconscious, allowing the viewer to lose weight easily and painlessly. The American dream, fulfilled at last: better living through television; lounge around like a slob on your sofa and improve yourself. We have been waiting for this invention for a long, long time. The words intended to cause this miracle seemed pretty pedestrian: "Healthy foods satisfy me," a pleasant enough motto; and the much more intriguing and faintly baleful pair of messages, "Mommy is mommy," and "I am me."



I identified with the latter statement. And the point is, there is all too much of me. I was drawn to Motivision for a reason: my waistline. In the last year, my weight has been incrementally but steadily rising. I have repeatedly given up chocolate, steak and cookies, and just as repeatedly fallen off the wagon. I am, after all, me.

So I called Motivision, where I reached a spokeswoman named Deborah Parker Wong. From the start, she worked hard to ease my doubts and fears about, uh, mind control. Like most people, I associate subliminal messaging with those stories familiar to every college freshman who has ever read *The Hidden Persuaders* and studied the ice cubes in a scotch ad in search of the hidden orgy. Though discredited by numerous scientific studies, the power of subliminal persuasion persists in the popular imagination, like the aliens who crashed in Roswell, New Mexico.

"We've kind of got a new and improved credibility factor on this," Wong assured me. Motivision's messages were designed by a psychologist on staff, and "she did her Ph.D. in weight and stigma management." Also, she said, Motivision's messages are not technically subliminal, but "supraliminal," meaning they are not entirely invisible to the viewer. You can see the spell as it's cast.

When we spoke, Motivision hadn't yet hit the market, so I asked if she could arrange a trial for me. "You don't have a weight issue, do you?" she asked. I confessed my secret shame, and she immediately sent me a pile of propaganda. In these I learned that the machine is "a flawless instrument," and that its messages "were developed with clinical psychologists from Europe. They are arranged in a specific order to talk directly to the subconscious."

Most encouraging was a news release that reported that the machine had been tested on a focus group of women in their 40s and 50s, "all of whom had a history of failing diets." After just two weeks of watching TV with Motivision, they showed remarkable results. "I feel more in control and more organized," said one viewer. Another added, "While using Motivision, I sailed through a stressful time without taking any tranquilizers." According to the release, most not only lost weight but gained "a sense of self-control and self-discipline that transcended every aspect of their life."

Transcendent self-control! I've been shopping for that for *years*. When the unit arrived, I could hardly wait to hook it up. I decided that, like the focus group, I would use Motivision for two weeks, following a regimen of at least twenty minutes a day, which Wong said was the recommended minimum. I wired it into my television, weighed myself to establish the "before" figure and, as per the instructions, read over the list of twenty-one messages. The first was "Eat recommended quantities," followed by, "I like my developing self," and further along: "I breathe normally through my mouth and I am satisfied.... Relax...." And of course: "Mommy is mommy.... I am me."

On day one, I watched a sitcom called "Third Rock From the Sun" and had a hard time taking my mind off the white flashes in the bottom third of the screen. But when I switched to the Playboy Channel, where the "Hot Body: Hot Pants" beauty contest was in full swing, I wrote in my notebook, "Easy to forget those messages." Just before bed on day two, I watched several comedians on Black Entertainment Television and realized that I'd gone forty-five minutes without noticing the messages at all, although I noticed as I fell asleep that a few were drifting around in my head. This may explain why, on my way to work the next morning, I found myself stopping at a Dunkin' Donuts shop, as if drawn by some supernatural force. I bought a coffee and two donuts—one coconut, one double chocolate—and, as I consumed them, actually caught myself musing: "I *like* my developing self."

And so it went. I watched the Orioles play Anaheim. I watched the latest version of *Romeo and Juliet* on video. I watched a "Nightline" report about Swiss Nazis. There

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was something oddly pleasing about the sight of those white phrases flashing across Ted Koppel's torso ("People like people who like themselves.... Progress satisfies me"), and the notion that the most esteemed man in TV journalism was personally working to reduce my paunch. The low point was a "Mad About You" special, a one-hour episode that felt like ten. The zenith was day seven, when the Cartoon Network aired a "Speed Racer" marathon that held me rapt for a solid hour. One day I forgot to watch TV, but I made up for it by tacking on an extra day at the end. My eating habits became strangely erratic. One night I refused a chocolate mousse dessert, and the next I bought an Entenmann's coffee cake on the way home from work. I ate a large portion of it *while using Motivision,* as if to demonstrate to mommy that I really am me. "You've been eating like an animal since you've been on Motivision," my wife told me, showing a sad lack of respect for my developing self.

By pure coincidence, the last thing I watched for my experiment was an MSNBC film of the poet laureate, Robert Pinsky, reading an arresting poem called "To Television," in which he addresses the tube itself:

> Terrarium of dreams and wonders.
> Coffer of shades, ordained
> Cotillion of phosphors
> Or liquid crystal
>
> Homey miracle, tub
> Of acquiescence, vein of defiance.

Soon after, I came across *The Media Equation,* a book by Byron Reeves and Clifford Nass of Stanford University. It argues that people tend to interact with computers socially, as if they were other people. But the interesting part was a section in which the authors revisit the question of subliminal persuasion, arguing that certain techniques really work. Since the 1970s television broadcasters have been legally prohibited from broadcasting subliminal messages, but Reeves and Nass note: "Computers and software, however, are *un*regulated. There are no official prohibitions of these techniques anywhere in the world of multimedia. Consequently, the issue of subliminal persuasion has gained new life."

Now, it's one thing to read two academics suggesting that subliminalism may be about to make a comeback in the new media. But it's another to know that these guys have a direct line to the very throne of media power, the godhead, the inner sanctum: Bill Gates. In the lead blurb on the book jacket, the Microsoft chairman writes of the authors: "We brought them into our team, and they have shown us some amazing things."

In other words, prosaic little Motivision, with its promise of pain-free weight loss for the profoundly self-indulgent, might be just the beginning of something huge, something ... dastardly. Could Bill Gates insert his own souped-up version of Motivision, programmed for purposes much grander than dieting, into every copy of Windows? Has he already done so? Might this explain our strange nationwide veneration of Microsoft, our addiction to its products? Then again, if my experience is any guide, we may have nothing to worry about: I gained four and a half pounds. Tub of acquiescence, indeed. •

Razing the poor house.

HUD SUCKER PROXY

By Jonathan Chait

Upon hearing that I was planning to write about the proposed changes in federal housing policy, a press secretary at the Department of Housing and Urban Development graciously offered me an interview with the secretary, Andrew Cuomo. This was slightly odd. It's usually the reporter's job in these matters to solicit access to the Cabinet secretary and the flack's job to deny it. And I am the sort of reporter who quite properly would be denied; the story I wanted to write, examining public policy, didn't require access to anyone so grand as a member of the Cabinet. The merest ink-stained, backroom sub-wonk could tell me all I needed to know. So, not wanting to put myself ahead of my place, I demurred. No thanks, I said, explaining that less important HUD staffers than the secretary would meet my humble needs. "Are you sure?" the press secretary asked. We paused in a counter-ditherstep of mutual embarrassment, and I began to worry that my politeness was on the verge of appearing rude—after all, who was I not to interview a secretary?—so I said, of course, I'd be honored.

In Washington, inaccessibility is a pretty accurate barometer of clout, and the clout of the HUD secretary is indeed accurately reflected in the fact that he had time for me. Which would not matter at all, except that

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the low political esteem accorded Cuomo's title also extends to his department's basic mission. After a decade in which HUD sought merely to avoid scandal and extinction, Congress and Clinton have reached a new consensus on how to overhaul public housing that culminates years of negligence: simply put, they don't want so many poor people in the projects.

As a solution to the low-income housing problem this is, to say the least, counterintuitive—the brain-dead progeny of liberal bureaucratic inertia and conservative stinginess. Sure, public housing is a disaster—but in a sense, it had to be. Since HUD has the funding to house less than one-third of those who are eligible, it accepts residents based on need. The less money you have, the better your odds of admission. As a result, public housing concentrates very poor people very close together in enormous projects, creating an atmosphere of festering, self-reinforcing poverty.

The solution to this, say Congress and the administration, is to clean up the projects by opening them to a better class of people. Under the new plans being discussed, instead of giving priority to the poorest, HUD would allot a minority of public housing slots for families earning below 30 percent of median income. The rest of the units would be reserved for families earning up to 80 percent of median income, or about $35,000 a year. The administration, the House and the Senate, who have yet to hammer out a final agreement, each set different income quota levels. But they all employ the same logic: relatively wealthier public housing residents would help foster a climate that values, rather than degrades, work, and they would be less likely to shoot each other, use drugs or just generally succumb to the cultural pathologies that turn projects into hellholes.

There is, admittedly, some logic to this approach. But if the goal is to change the culture of public housing, the method of setting quotas based on income is a clumsy way to go about it. When selecting the kinds of people who might exert a positive influence on a housing project's culture, the key factor is work. You want role models who get a paycheck instead of a welfare check—the size of the paycheck doesn't really matter.

Yet paycheck size, rather than employment status, is the basis for the new preferences, and this produces some perverse results. The category set aside for low incomes—below 30 percent of median income—effectively lumps together a welfare recipient with a full-time minimum wage worker, who would bring in just $10,000 a year, or 23 percent of median income. New York Republican Rick Lazio, the sponsor of the House bill, boasts, "We will use our limited resources to help those who are working to help themselves." Yet Lazio's bill, along with the other bills, wouldn't stop at turning away a welfare mother in order to make room for a burger-flipper. It would also turn away a burger-flipper in order to make room for the burger-flipper's supervisor.

It gets worse. Remember that housing projects aren't the only way that HUD provides low-income housing. HUD also gives out certificates and vouchers, which subsidize the rent for poor tenants who live in private-sector apartments. Since certificates and vouchers don't generally concentrate the very poor—people often use vouchers so they can afford rent in better neighborhoods—there's no real downside to giving all vouchers to the neediest. But Congress's plan does the opposite, restricting the number of low-income applicants eligible for vouchers.

These effects might seem random, but there is a purpose here, and it has nothing to do with uplifting the poor or redeeming the projects. Public housing residents and voucher recipients pay 30 percent of their income in rent. That doesn't cover the full cost, so the government pays the rest. Replacing very poor recipients with slightly better-off ones would lower the cost of that subsidy. So while the income quotas are not an efficient way to change the culture of public housing, they're a very efficient way to save the government money.

To be sure, keeping the poorest people out of public housing will make the projects more livable, however clumsily. Yet what's the point of solving HUD's problem if you make the low-income housing problem worse? The new approach is tantamount to making Medicare solvent by denying coverage to the old and the sick. Those who don't get in, after all, will not move to Highland Park. They're still going to live in areas of highly concentrated poverty with all the same pathologies of the worst housing projects. Abdicating responsibility for that condition is not the same thing as resolving it. Over time, some 1.5 million fewer subsidized housing units may be available for the poor. HUD has been reduced to quibbling about how many.

What makes this new consensus so difficult to swallow is that there is a very easy way to break up the ruinous overconcentration of poverty without abandoning the neediest: HUD could replace public housing with vouchers. The logic is simple. Instead of trying to design a living environment for the poor, the federal government helps them pay the rent. Since tenants can use their voucher anywhere they want, their landlords—unlike public housing authorities—have an interest in maintaining decent living conditions.

For a while it looked as though HUD would adopt such a strategy and go full-voucher. Since the Reagan administration, HUD's stock of housing projects has remained frozen; the only additional housing assistance has come in the form of vouchers. After the Republicans took control of Congress in 1995, vowing to abolish the department altogether, then-HUD Secretary Henry Cisneros proposed giving vouchers to all public housing residents. But then a funny thing happened: the Republican Congress decided to keep the current system—about two-thirds public housing, one-third vouchers—and eliminate funding for any new vouchers.

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Now, hold on a second. Why did the Republicans—public housing's fiercest critics—maintain the status quo? Vouchers, remember, embody their free-market ideology. As a matter of fact, they invented the idea. Well, part of the reason is that housing projects generate clients with a strong vested interest in perpetuating them, while vouchers do not. Most public housing is owned by private landlords, who receive federal subsidies and lobby hard to preserve them. (Reagan's housing scandal involved well-connected landlords lobbying for a piece of the HUD action.) Local housing authorities run the remainder of the projects, and they, too, depend on Washington's largesse. By contrast, voucher users tend to spread out. Hence, their landlords have little individual interest in housing subsidies—in other words, there's no comparable lobby pushing for more vouchers.

More importantly, vouchers cost money. Republicans may hate the projects, but tearing the projects down won't save money, since by law Congress must find new housing for current residents. That leaves only one way to cut costs: squeezing the vouchers.

This miserly approach to housing for the poor comes just as the federal government is preparing to lavish billions more on housing subsidies for the non-poor. The home mortgage interest deduction and capital gains tax breaks on home sales—which, combined, cost more than four times HUD's budget—subsidize home ownership by the middle and upper middle classes. President Clinton wants to expand the capital gains exclusion, and a bipartisan faction in Congress proposes a deduction for homeowners who sell a house for less than they bought it. These policies combine to construct an edifice of housing subsidies that grows in generosity as it moves up the income scale, like a great inverted pyramid.

Maybe what scares Republicans most about their old pet idea is that vouchers might actually work. Not long ago John Weicher, a housing expert at the conservative Hudson Institute, testified before Congress. His disquisition on the evils of public housing was going along swimmingly. And then he mentioned that vouchers might require more funding, not less. "The subcommittee chairman looked at me funny. That wasn't what he was expecting to hear," recalls Weicher. "He sort of frowned briefly, and moved on."

In its original, New Deal, incarnation, HUD sought to accomplish two things. First, to universalize housing. Second, to transform the poor by altering their environment. The second goal ran aground on its own ambition, as gigantic housing projects degraded rather than uplifted working-class culture; this failure, in turn, discredited the entire housing movement. A HUD freed from the albatross of housing projects would no longer be so easy to neglect. But, for policymakers bent on balancing the budget and cutting taxes for suburban swing voters, a revitalized HUD may be too frightening to contemplate. •

"Two fine and well-written works....The authors, British journalists who covered the Yugoslav wars, are well worth reading. Their respective accounts give insights into the historical baggage the Yugoslav ethnic groups brought to their latest convulsions."
—Dusko Doder, *The Boston Globe*

The Serbs
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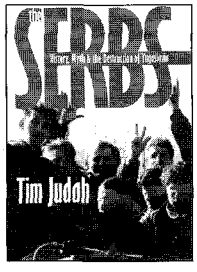

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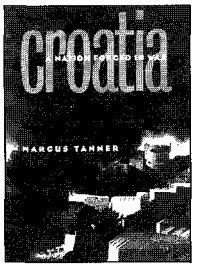

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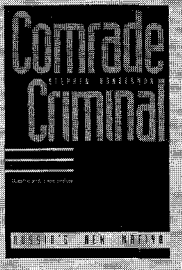

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UNSOUND CONSTITUTION

By George P. Fletcher

When the police stopped Timothy McVeigh seventy-five miles from the freshly exploded Alfred P. Murrah Federal Building in Oklahoma City, he was wearing a T-shirt with an apparently incriminating message on the front: "Sic semper tyrannis." The message on the back was just as provocative: "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." An illustration of "the tree of liberty" dripped blood.

At the trial in Denver, which concluded with a guilty verdict last week, prosecutors presented the content of McVeigh's shirt as evidence that he was a madman capable of killing scores of innocent people. Prosecutor Joseph Hartzler, who presented the case against McVeigh, implied as much in his opening statement to the jury. Referring to the language of the shirt and similar political slogans, Hartzler said, "These documents are virtually a manifesto declaring McVeigh's intention." The jury obviously agreed, finding McVeigh guilty on all charges against him, including eight counts of first degree murder.

Surely the verdict was reasonable. The case against McVeigh established fairly strongly that he was the Oklahoma City bomber. But the underlying assumption in the case—that McVeigh's beliefs define him as an extremist—is not quite right. After all, are the words that McVeigh carried on his chest really so radical? "Sic semper tyrannis" was popular among revolutionary leaders long before John Wilkes Booth gave it an infamous sting. Thomas Jefferson's metaphor of "the tree of liberty" is no more outrageous than Patrick Henry's "Give me liberty or give me death" or New Hampshire's license plate motto, "Live free or die."

More important, McVeigh's belief that the Constitution should be interpreted *exactly* as it was written is surprisingly conventional. Not only is it in line with the conceptions held by many of the nation's founders, but it lives on today in the works of an influential minority of legal scholars and advocates. Although we generally teach lawyers to read the Constitution as judges have read it over time, many contemporary judges—Antonin Scalia, William Rehnquist, Robert Bork—hold that we should read the Constitution precisely as it is written. If these "originalists" are right, then McVeigh had a reason to think the Brady Bill's restrictions on gun ownership were a direct assault on the Second Amendment's right to bear arms. Similarly, McVeigh was employing—if perhaps stretching—originalist logic when he concluded that the federal raid on Waco violated the Branch Davidians' First Amendment guarantee of religious freedom.

Faced with a government that he believed had systematically violated the Constitution's core rights, McVeigh also had at least some reason to believe it was appropriate to take up arms. As Alexander Hamilton wrote in Federalist 28: "[I]f the persons intrusted with supreme power become usurpers ... The citizens must rush tumultuously to arms, without concert, without system, without resource...." Of course, the concept of "arms" may not have included Ryder trucks wired to explode next to federal buildings, but the idea of armed resistance against "usurpers" is rooted in the original understanding of the Constitution.

Let me be clear: this is not at all to say that McVeigh had any legitimate reason to kill 168 people, nor is it to say that originalist legal scholars are responsible for McVeigh and his terrorist ilk. But McVeigh's notion of the Constitution, a notion that in his deranged mind led to terrorism, is far more influential than we commonly assume. And it is fundamentally wrong.

With the shots "heard round the world," Americans rebelled against an oppressive foreign authority. Then, after a generation as semi-independent states, they entered into a compact as "the People" in order, as the Preamble to the Constitution reads, to "secure the Blessings of Liberty to ourselves and our Posterity." The purpose of the 1789 Constitution was to charter a government of limited powers that could never become a tyrannical overlord. To guard against government's tendency toward self-aggrandizement, the framers not only expressly delimited the powers of Congress but tried in the Bill of Rights to carve out certain areas of freedom—speech, press, assembly, religion, arms—that would remain beyond the federal government's reach. They would remain vested in "the People," who preceded and

GEORGE P. FLETCHER is Cardozo Professor of Jurisprudence at the Columbia Law School. He is the author, most recently, of *With Justice for Some: Victims' Rights in Criminal Trials* (Addison-Wesley).

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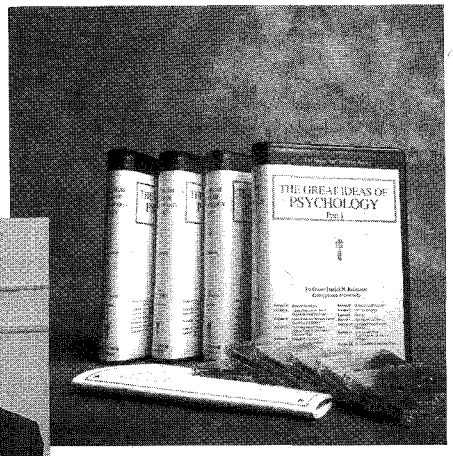

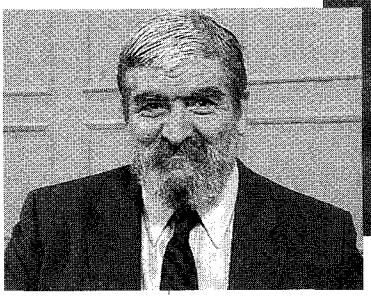

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superseded the Constitution they established.

Of all the myths that support Timothy McVeigh's antigovernment reading of the Constitution, the greatest is the idea that the People are sovereign and superior to the Constitution. In this argument, the People—represented if necessary by McVeigh and alleged accomplice Terry Nichols—are superior to constituted government authority. They are in a position to judge whether the government has exceeded its authority. Sitting as jurors, they can nullify laws democratically enacted and properly applied. As freemen they must be prepared, as Hamilton argued, "to rush tumultuously to arms" as soon as "the persons intrusted with supreme power become usurpers."

This is exactly what some on the radical right are starting to do. The illegal stockpiling of weapons helped prompt the federal siege at Waco, which outraged McVeigh so deeply. And the Fully Informed Jury Association (FIJA), a small nationwide movement, has begun a major campaign in many western states to inform those called for jury duty of their power and supposed right to nullify the law as instructed to them by the trial judge. To many, the distribution of leaflets near courthouses urging juries not to apply democratically enacted law looks very much like obstruction of justice, if not overt sedition against the government. But the devout believers of FIJA see themselves as doing no more than engaging in civic education. They are joined in this campaign to exploit the jury's power to say no by outspoken members of the black left, who argue, as does George Washington University law professor Paul Butler, that justice for blacks requires jury nullification in certain cases in which African Americans are likely to be targeted. Right and left are able to cite on their behalf—accurately—academic writing that praises the jury's ultimate power to pass on the wisdom of laws it is supposed to apply.

If only eccentrics of the fringe believed in this exalted power of the People, we could dismiss them as mere and uninfluential anarchists. But these views are not foreign to the academy of constitutional law teachers, nor are they the exclusive province of the fringe. In *We the People*, an influential study of constitutional history, Yale professor Bruce Ackerman, a liberal, argues that the People retain the authority to legitimate illegal constitutional transformations, such as the adoption of the Constitution itself, which was illegal under the amendment provisions of the Articles of Confederation, and the transformation of Supreme Court jurisprudence after FDR's high-handed court-packing threat. The People can provide their imprimatur at the ballot box, as they did when they voted by a large majority for Roosevelt, or, implicitly, by adopting a practice of support and adherence to new laws. However they do it, the mythical People still function as the ultimate source of legitimacy. The power to say "yes" entails, of course, the power to say "no." And therefore it is but a short step from Ackerman's view to the right wing's faith in jury nullification as a legitimate response to unjust authority and the necessity of being armed to say "no" to the "usurpers."

Writing in the *Yale Law Journal* in 1991, Yale law professor Akhil Amar interpreted the First Amendment's "right of the people peaceably to assemble and to petition the Government for a redress of grievances" as "an express reservation of the collective right of We the People to assemble in a future convention and exercise our sovereign right to alter or abolish our government by a simple majority vote." The thought that a convention could abolish the federal government, including the Supreme Court, before the Court could rule on the convention's legality, goes to the heart of our constitutional confusion. We tolerate and encourage views about the constitutional power of the People that some receptive minds take to be an invitation to fight for the original republic.

Some might think that a clear distinction presents itself between fighting the British and taking up arms against a federal government that appears to be encroaching on our freedoms. As prosecutor Hartzler argued to the jury, "Our forefathers didn't fight British women and children. They fought other soldiers. They fought them face to face, hand to hand. They didn't plant bombs and run away wearing earplugs."

That is so, but, as McVeigh might well have seen it, the federal government had shown by its own example that the rules of engagement had changed. After all, women and children perished at Waco, too.

Still, there's a more fundamental problem with the originalist line of reasoning. The "original republic"—the one for which our "forefathers" fought "face to face, hand to hand"—exists only in the minds of academics and fundamentalist patriots. The republic created in 1789 is long gone. It died with the 600,000 Americans killed in the Civil War. That conflict decided once and forever that the People and the States do not have the power to govern their local lives apart from the nation as a whole. The People have no power either to secede as states or to abolish the national government.

The original republic died because it was grounded in a contradiction. It glorified the freedom of some and condoned the slavery of others. It valued persons "not free" at only three-fifths the Census value of those defined as free persons. It required free states to return runaway slaves to their owners. The flaw that spelled its demise was the failure of the framers to recognize the principle of human equality. Neither the word "equality" nor its practical equivalent appears in the document. (The "Privileges and Immunities" clause of Article IV could have become the near equivalent, but it became a dead letter instead.) Today, it would be unthinkable to adopt a constitution anyplace in the world without a commitment to equality. But in late-eighteenth-century America, equality was less important than the fear that a federal government might infringe our liberties.

The new Constitution—the one that shapes and

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guides the national government and disturbs the new patriots to their core—begins to take hold in the Gettysburg Address, in which Lincoln skips over the original Constitution and reconstitutes it according to the principles of equality articulated in the Declaration of Independence. This short speech functions as the Preamble to a new charter that crystallizes after the war in the Thirteenth, Fourteenth and Fifteenth Amendments. The Gettysburg Address signals the beginning of a new Constitution. The language is so familiar that we do not realize the implicit transformation:

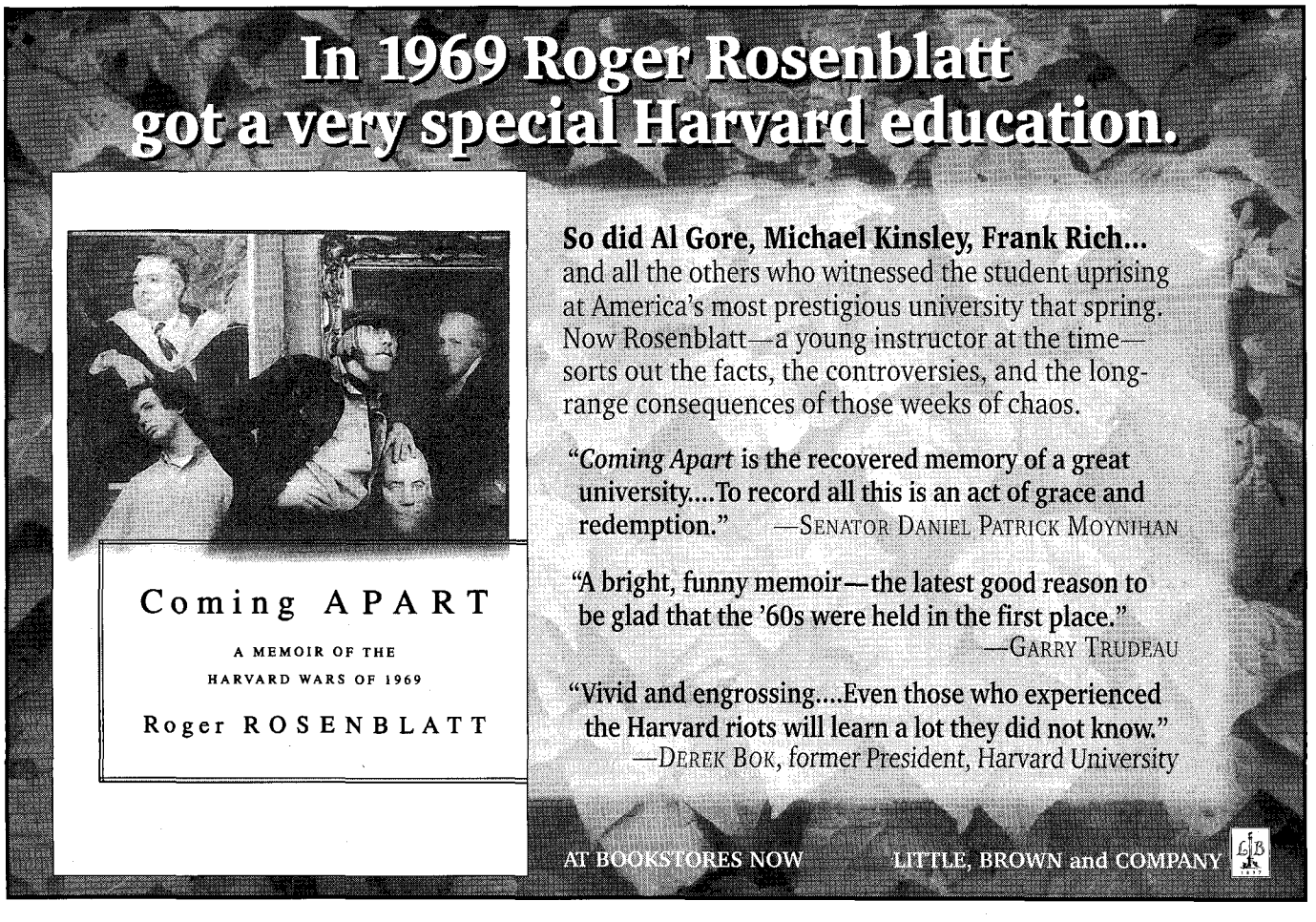
> Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in liberty and dedicated to the proposition that all men are created equal ... that we here highly resolve that these dead shall not have died in vain—that the nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

Three changes signaled by Lincoln's words shake the foundation of our constitutional identity: the notion of organic nationhood—including the dead and the unborn—replaces the sovereignty of the (living) People. Equality, absent from the original document, comes front and center. And the United States evolves from an elitist republic into a democracy "of the people, by the people, for the people."

The reconstituting of "We the People" as the American nation defines the spirit of the new Constitution. The new nation, mentioned four times in Lincoln's 272 indelible words, is shaped by its past as well as its future. The entire focus of the Gettysburg Address is whether the nation "can long endure," whether the "nation might live." A nation born in a historic struggle will not hold itself hostage to those who say they speak in the here and now in the name of the People. Lincoln's nation could not be dismembered.

In contrast, those who wrote the 1789 Constitution had little sense of an American nation originating in the past and inhabiting the future; they wrote and argued as though they thought primarily of their moment, their generation, as unique. Those living then, and by extension any cohort who loved freedom as they did, could simply decide to dismantle the United States—it was merely a creation of the present. It was Jefferson, after all, who famously wrote that no constitution should be valid past nineteen years.

The recognition that the People are one group, an American nation, makes possible the sustained campaign to convert the elitist Constitution of 1789 into an egalitarian constitution of popular suffrage—that is, a constitution that bases democratic rule on the majority of *all* the people. Beginning with the Fifteenth Amendment, securing the right to vote for emancipated slaves, the United States begins to take democracy seriously. Of the ensuing twelve amendments to the Constitution, five are devoted to increasing the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franchise and the role of the citizenry in running the country.

Nationhood, equality and democracy—these are the ideas that forge a new Constitution. But Lincoln was a good lawyer, and lawyers always seek to camouflage conceptual transformations as the continuous outgrowth of language used in the past. That's why he invoked government "by the people" to capture the new principle of democratic rule. But the significance of the People had changed. They no longer exist as the guarantors of the Constitution, the bestowers of legitimacy. States and individuals can no longer set themselves apart from the nation. The people exist exclusively as voters, as office holders and as beneficiaries of legislation.

The relevant concept in the new Constitution, then, is not "We the People" but "We the citizens of the nation"—and this transformation is apparent in the post-Civil War amendments. The Fourteenth Amendment, for example, gives us our first concept of national citizenship. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof" are henceforth citizens. Prior to the Civil War, we allowed each state to define for itself who could become a citizen of the state and, on that basis, a citizen of the country. The new definition of who belongs to the polity marks a new beginning.

The Fourteenth Amendment further confirms the new sense of the United States as a national community with its clause prohibiting the states from "depriv[ing] any person of life, liberty, or property, without due process of law; [or denying] to any person within its jurisdiction the equal protection of the laws." These clauses account for the enormous expansion of judge-made constitutional law in the last fifty years, particularly in the field of criminal justice. Under these clauses of the new Constitution, virtually all the constitutional guarantees of the Bill of Rights apply, for the first time, to the states. Yet, as do all proper constitutions, the Fourteenth Amendment contains its own grant of legislative authority to Congress to implement its principles by appropriate legislation.

The Thirteenth Amendment also wreaks a radical transformation. On the surface, it merely abolishes slavery—expected in the wake of the war. But the Thirteenth Amendment also signals a new conception of constitutional power. The original Constitution limits only government power; the Thirteenth Amendment is the first direct intervention into the private affairs of citizens. The amendment invalidates a certain kind of private relationship—namely, involuntary servitude—and provides the legal hook for the first Civil Rights Acts, by recognizing that citizens—not just government—can deprive an individual of his or her constitutional rights. (This is the constitutional basis for the federal government's prosecuting and convicting Lemrick Nelson for violating the civil rights of Yankel Rosenbaum by fatally wounding him on a public thoroughfare.)

The most significant and, for fundamentalists, the most threatening aspect of the new Constitution is that it necessitates an activist federal government committed to preserving some semblance of equality—in other words, the government must intervene in the states and in private affairs to protect the disadvantaged. Early efforts in this direction—the income tax amendment, prohibition—represented significant moves to level the playing field and protect the weak. And, after the economic collapse of 1929, national government took its new role even more seriously with the New Deal.

This is the point at which the conflict with the original Constitution becomes acute. Some constitutional fundamentalists, like McVeigh, explicitly reject the new Constitution in their propaganda. They maintain that the original Constitution—everything that comes before the Thirteenth Amendment—is the only legitimate one, and they believe their task as freemen is to protect the People against the "usurpers" who would have the federal government exceed its minimalist origins.

So if the extremists can grasp this distinction, why is it foreign to the rest of us? Quite simply, because we do not teach this historical rupture—not in our grade schools, not in our law schools. We are all good lawyers and therefore, like Lincoln, we pretend that the second Constitution is simply the natural continuation of the founding document. According to the official story, we corrected the racist mistakes of 1789 and got the Constitution on the right track. "We the People" are still in power. Our constitutional situation would be much clearer if we marked the discontinuity in our history by calling the first Constitution the "founding republic" and the second, say, the "egalitarian republic." This new terminology would acknowledge that our constitutional history is close to that of France, with its multiple constitutions, including some legal institutions such as the Declaration of the Rights of Man and the *Code civil* that date back as far as the late eighteenth century.

The sentencing of Timothy McVeigh and the ensuing trial of Terry Nichols will presumably play out without any serious attention to the defendants' constitutional beliefs. But there was more at stake in this trial than the terrorism of one or two men. The basic question is whether we as a legal and intellectual community will face up to the truth about the false view of the Constitution that we have nurtured for generations. We have propagated myths about the binding force of the 1789 Constitution that some people, unfortunately, take too zealously. We have planted the ideas that have grown crooked in the minds of some. On the basis of the evidence presented at the trial, the jury reached a well founded verdict on McVeigh's guilt. Yet we should be filled with horror that this heinous crime was committed with motives derived from the basic teachings of the republic. •

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How the Army learned to love Andrea Dworkin.

SLEEPING WITH THE ENEMY

By Hanna Rosin

In the last few months the papers have been full of spicy military sex scandals, generally involving men of rank accused of abusing women under their command. For the most part, these stories have played as a confirmation of suspicions deeply held among members of the press: the military establishment is a rotten old boys' network, and lurking under the carapace of order and discipline is a cauldron of hostility and even violence toward women. With each new revelation, a coterie of feminist commentators pronounce themselves vindicated: "They cannot get a handle on this problem," Karen Johnson, a retired Air Force officer and vice president of the National Organization for Women, told the *Baltimore Sun* in May, after Staff Sergeant Delmar Simpson was sentenced to twenty-five years for raping six women, "because of a military culture that is macho, that uses women as sexual objects."

Most of the attention so far has focused on Aberdeen Proving Ground, an Army training base in rural Maryland where recruits learn to test and repair weapons. Since November, twelve sergeants at Aberdeen have been accused of sleeping with, sexually assaulting or raping female trainees. In the two cases that have gone to trial—that of Simpson and that of Staff Sergeant Vernell Robinson Jr.—the prosecution has taken a very harsh, very moralistic, very, well, feminist view of the facts. Simpson, in Army prosecutor Captain Dave Thomas's words, was a "sexual predator. Just like an animal, he scans the herd, he finds the weakest ones, and, when he gets them alone, he jumps on them." Or, as Thomas's colleague Captain Theresa Gallagher put it: "This is a case of rape, a case of the accused using his power, his easy access and his ability to control." The prosecution's version stuck. Simpson was convicted even though four of the six victims testified that they did not resist his advances or tell him to stop, and two testified that they had found him personally attractive.

It is clear enough from the two trials that both Simpson and Robinson abused their positions of power and privilege by sexually exploiting the female soldiers under their command, and it is clear enough that at least some of the women who submitted to their requests for sex feared what the sergeants could or would do to them if they refused their requests for sex. But the narrative of the predator sergeant was not just about Simpson and a few other bad men. It was, as the two trials made clear, about implicating the whole military culture in a web of conspiracy to oppress and harm women. Certain details that were repeated over and over in court, and faithfully echoed in the press, suggested a "secret sex ring" tacitly approved by the institution. Reporters gave the most excited coverage to any mention by a witness of the phrase "the game." "The game" is the title that the once-cocky sergeants of Aberdeen used to describe their sexual exploits; the promise of cracking open its secret code and exposing a cabal of predators is what keeps reporters interested. So far, evidence about "the game" has been scanty: vague references to a "list" of willing trainees and testimony from one sergeant that his colleagues had promised to "cover each other's butts." Yet, the storyline has remained unchanged: the entire military is an alien, retrograde institution, conspiring against feminist concerns.

So it may be. But not from the evidence at the Aberdeen trials. On the contrary, what the trials have shown is that, at least in one critical aspect, the military is not hostile to feminist concerns at all. The most tradition-minded, socially conservative and overwhelmingly male institution in America has in fact embraced a theory of sexual intercourse that belongs not only to feminism, but to feminism's more radical wing. On the central question of the trials—whether or not the sex was consensual—the United States Army has proved itself less a disciple of Rambo than of Andrea Dworkin and Susan Brownmiller.

In the Aberdeen trials, the Army has accepted a definition of rape that goes well beyond what most civilian prosecutors and judges would be comfortable with, a definition cribbed from radical feminist theory: rape is what happens when a man has sexual intercourse with a woman who is in a subordinate position to him. None of the rape convictions involved any corroborating physical

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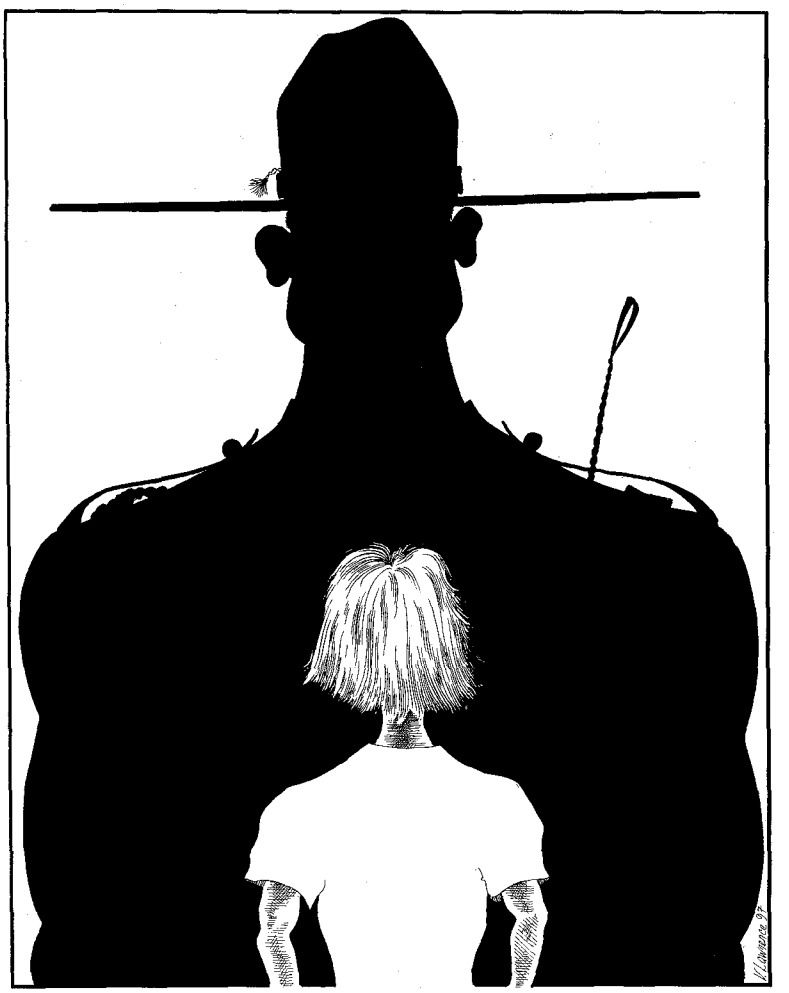
evidence. Four of the six women Simpson was convicted of raping testified he used no direct physical force. One even testified Simpson could not have known she did not want to have sex with him. Nevertheless, the judge ruled and the prosecution succeeded in proving that the threat of physical force, because of Simpson's intimidating size, words he used and, more importantly, his rank and authority over the women, was enough to prove rape.

How did the U.S. Army wind up in bra-burning territory? The oddity unfolding at Aberdeen is merely one tortured experiment with integrating woman into the military. The idea of introducing young, sexually deprived women into a closed environment with large numbers of young, sexually deprived men was arguably crazy in the first place. Moreover, introducing women into the military was always paradoxical; it essentially meant asking the military to be not the military. The institution that psyched up its soldiers with enemy target Susie Rottencrotch and rewarded them with harems of prostitutes would suddenly have to learn about "sensitivity." From the start, this fraught experiment was regarded by feminists through a jaundiced lens; criticism started almost before the first female soldiers arrived.



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The criticism was, of course, a matter of opinion and of ideology, and it could have been countered with other opinions, other ideologies. But the military is not a faculty lounge, and it does not lend itself to the culture of ongoing political debate. So the military reacted to the criticism as if it had suddenly discovered, as a result of some disaster in the field, that its infantry tactics were all wrong. It ditched its old, losing, tactics and turned to the winning tactics of the enemy. A year ago, Secretary of the Army Togo West hired as his special consultant on gender relations a Duke University law professor named Madeline Morris. It is fair to say that at any other time in history Morris would have been regarded in the military culture as an amusing example of the incomprehensibility of the civilian mind, if she were regarded at all. She was chosen on the basis of a lengthy law review article suggesting that the Army give up its "construct of masculinity" in favor of an "ungendered vision." What's more, she added, "The socialization of the hypermasculine male may script him to overvalue a definition of masculinity as tough and unfeeling, violent and exploitative of women." And another thing: this "personality constellation" transforms "the rape fantasy into brutal reality." The Army, she continues, may contain a "critical mass of potential rapists." Her solution? The "celebration of steeliness" need not "exclude the approval ... of compassion and understanding." "[T]here is much to be gained and little to be lost by changing this aspect of military culture from a masculinist vision of unalloyed aggressivity to an ungendered vision...."

The result of the Army's schizophrenic crusade has been comic and tragic. The Army is now in deep therapy; with almost every week of pained but determined self-examination, another shocking flaw, another hidden neurosis, another personal scandal comes to the fore. But the discoveries are often shocking not for their shockingness, but for their lack thereof. The Aberdeen scandal prompted the Army to set up a special hot line to root out more hidden rapists. The hot line nets a tip. William Coleman III, the Army's general counsel and an old friend of Clinton's, is accused of telling offensive sexual jokes in public, listening to rap music that contained offensive lyrics and touching a subordinate at an office luncheon. This week, the spectacle rose to Maoist proportions. Major General John E. Longhouser, commander of Aberdeen Proving Ground, reportedly had an affair with a civilian woman when he was separated from his wife and years before he came to Aberdeen. Longhouser announced his retirement. The next day, West finally lost patience and announced that the Army had severed ties with Morris.

Nowhere was the military's confusion over the tactics and politics of sex more apparent than in the Simpson case. The case opened with a heated pretrial debate over the definition of rape. Rape is usually defined as sex by force, with a lack of consent. Military courts have a

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broader theory of rape called "constructive force," which means physical force is not required to prove rape. The accused's actions have to involve an "abuse of power"; the victim "must believe that death or physical injury would be inflicted on her" and that "resistance is futile." The prosecution argued for the broadest possible interpretation of constructive force, including fear of "loss of property or damage to [her] reputation." They lost that motion, but what was left of the definition of rape by constructive force was astoundingly murky.

The judge, Colonel Paul Johnston, compared the relationship between a drill sergeant and a trainee to the relationship between a parent and child. The relationship creates a "unique situation of dominance and control," he said, because trainees "are conditioned to follow drill sergeants' orders." Simpson's prickly civilian attorney, Frank Spinner, then asked the judge if the jury should consider rape every time the sergeant had sex with a trainee and she *thought* but did not *say* no. The judge answered yes. This prompted what seemed a reasonable outburst by Spinner. "A woman, in her mind, can think whatever she wants to think and then later claim rape, and how does a man ever defend himself against that?" Spinner yelled. "You have women that have mouths. Do we have a law that has become so paternalistic that now they don't ever have to say no?... Are trainees so ignorant they can't distinguish between a drill sergeant telling them to run up a hill or lie down on a bed?"

The answer, as it emerged over several weeks of testimony, is a resounding yes. Victim after victim explained that Simpson never forced them to have sex but that, because of his authority, they were powerless to resist. The uniform was the essential prop, the central symbol in the case and the reason, essentially, that one man's sex "game" was rape. In Simpson's case, the prosecution asked to submit a drill sergeant hat and badge into evidence. The hat made Simpson even taller than his 6'4", and it was, a prosecutor argued, a symbol of his "force" and their "fear." In Robinson's case, the wide-brimmed khaki hat sat on a table during closing arguments, a Freudian symbol of dominance and control. Many of the women who testified described themselves as being in a sort of hypnotic state, frozen by fear and incapable of resisting. Their passivity often lasted months, through several rapes. One 20-year-old private from Tennessee explained how she came to Simpson's office to ask for help with her disciplinary problems. After their conversation, he told her she "owed" him. He asked if she wanted a hug. She agreed. She said she knew then Simpson wanted to have sex with her, and asked if she could take a shower first. Afterwards, they had sex. A week later, Simpson told her to go to her room and wait for him naked. She waited in her underwear, and they had sex again.

"It's fair to say that Staff Sergeant Simpson could have gotten the perception from you that you wanted to have sex with him?" asked defense attorney Captain Edward Brady.

"Yes, sir," she answered.

"Isn't it in fact true that you didn't want him to know you didn't want to have sex?"

"Yes."

Under the theory of constructive force, the woman could have feared Simpson so much that she felt resistance would be futile. But she testified she did *not* physically fear him; she feared that he might kick her out of the Army. She told Army investigators earlier that she had sex with Simpson "willingly," and testified in court that investigators pressured her to say she was raped. The jury convicted Simpson of raping the private.

Three of the six women Simpson was convicted of raping followed a similar pattern. One 21-year-old private, who testified that she hated Simpson but whom two other witnesses called a "compulsive liar," said Simpson had raped her five times in one month. About once a week Simpson would call her into his office, and she would comply.

"You knew these were essentially dates to have sex?" Brady asked.

"Yes."

"Did Staff Sergeant Simpson force you to have sex with him?"

"No, sir, he didn't."

The Robinson trial followed a similar pattern. The liaisons were complex operations, involving beepers and meeting times and, often, interruptions—logistics that would be difficult to execute in a zombie trance. The military decided at the last minute, with no explanation, to drop the rape charge against Robinson. But one woman testified anyway that Robinson raped her, in much the same dazed voice as Simpson's victims. She was sullen and angry, and pleaded that she was afraid of him. Yet as soon as she delved into details she went glassy-eyed. One time, Robinson gave her his keys and ordered her to wait in his car parked behind a dumpster, with the seat reclined. He gave her a pager when she went on a day trip to Baltimore with a group of other privates. When he beeped her repeatedly, she told her friends she was sick and went to the hotel room to wait for him to pick her up.

The Army's new class of rapists, ever faithful to the example of their command, collapsed into a heap of guilt once they had been judged. "The game is good, and I'm a gangster," Robinson had once bragged to his friend. But at the sentencing hearing he was so broken and remorseful he brought the court reporter to tears. "I lost the ground I was standing on," he sobbed, banging his head on the table. "I got the devil in me. Oh Lord, I'm just sorry. I'm just so sorry for what I did."

Two separate panels have convened to investigate the Aberdeen scandal, and both are due to issue reports in mid-June. They are sure to be scrupulously critical of the military's treatment of women. But from early reports it looks like they will narrowly pin the blame on a few bad men and a few unfortunate mishaps, and hold out the institution's willingness to swiftly punish them as testimony of its own ability to reform. The Army will be saved, and the troops will be sacrificed. Which, come to think of it, is what winning tactics always come down to. •

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OFFICES AND GENTLEMEN

By Jonathan Rauch

Sonya McIntyre-Handy, a Unitarian, felt hounded by Christians at work. Her colleagues at a Virginia state social-service agency conducted a prayer session around her desk, complete with raised hands and speaking in tongues; they left a "letter from Jesus" on her desk. Her supervisors, she claimed, asked her to take part in Christmas activities, told her that if she had been saved she would not be getting a divorce, and said that they feared she would go to hell. "That was highly offensive to her and she told them so, and they went right on," says her lawyer, Deborah Waters. "It went on for almost two years." According to McIntyre-Handy, her objections brought grumbling from her bosses about her negativity and troublemaking—and, she said, critical performance reviews, which she regarded as retaliatory (though her employer denied this). Finally, after filing many grievances and asking to have a third party present at her meetings with supervisors, she was discharged. She sued, and in March a federal jury awarded her $30,250 plus attorney's fees, finding that persistent proselytizing had created a "hostile environment" based on religion—a violation of Title VII of the 1964 Civil Rights Act.

Plainly, McIntyre-Handy's coworkers and supervisors behaved unprofessionally and obnoxiously. But illegally? How much office proselytizing, then, is too much? I asked Waters, and she said, "I think it means that, once an employee objects, co-employees and supervisors should back off. I think it means they need to stop the discussions." Altogether? Anything about religion? "If an employer wants to be on the safe side, I would argue yes."

In most walks of life, of course, talking about your religion is what First Amendment lawyers call core protected speech. So is displaying art (if it's not obscene), expressing sexist opinions and telling ethnic jokes. But quietly, gradually, the workplace has become an exception. What the government cannot do directly, it now requires employers to do in its stead: police "discriminatory" speech.

In 1995, the city of Murfreesboro, Tennessee, exhibited works by Maxine Henderson, a local artist, in the city hall rotunda. One painting—impressionistic, not remotely scatological—showed a partially clad female whose left nipple was partly exposed. An assistant school superintendent filed a workplace-harassment complaint, saying she had the right not to have "thrust in my face on my way into a meeting with my superiors, most of whom are men," art that she found "very offensive and degrading to me as a woman." The city attorney took the painting down and stashed it in his closet. "You really can't be too cautious," he told reporters. "A sexual harassment judgment usually has six zeros behind it." (Henderson recently won a First Amendment case challenging the removal, but only because the court decided that the city hall rotunda was not actually a workplace.)

The country's most notorious sexual harassment case is that of Paula Jones against President Clinton, which the Supreme Court has unanimously ruled may proceed to trial. Most of the attention directed to Jones's case has, understandably, concerned itself with questions of effect on the Clinton presidency and on the presidency in general. But the case is also noteworthy as another milestone in the expansion of what constitutes a tortious sexual offense. As Jeffrey Rosen wrote in this magazine, assuming Jones's account of the facts is accurate, Clinton "made a pass at her, took no for an answer and reassured her that he meant her no harm." In the court of public opinion, Jones's case has already elevated an admittedly gross (alleged) sexual overture into a federal civil rights violation, and it may do this in a court of law as well. The case, Rosen notes, "shows how dramatically our increasingly amorphous conception of sexual harassment has expanded in the past decade." Indeed, in practice, virtually any sex-related expression involving employees and bosses of opposite sexes has become legally hazardous. President Clinton is merely the latest to discover that boorishness has become actionable under law.

Some of the cases of workplace behavior defined as sexual harassment are so ludicrous that they have become mildly famous. At the University of Nebraska at Lincoln, a harassment complaint was filed because a graduate student kept on his desk a snapshot of his wife in a bikini; the university ordered the photo removed. Penn State removed a painting by Goya from a class-

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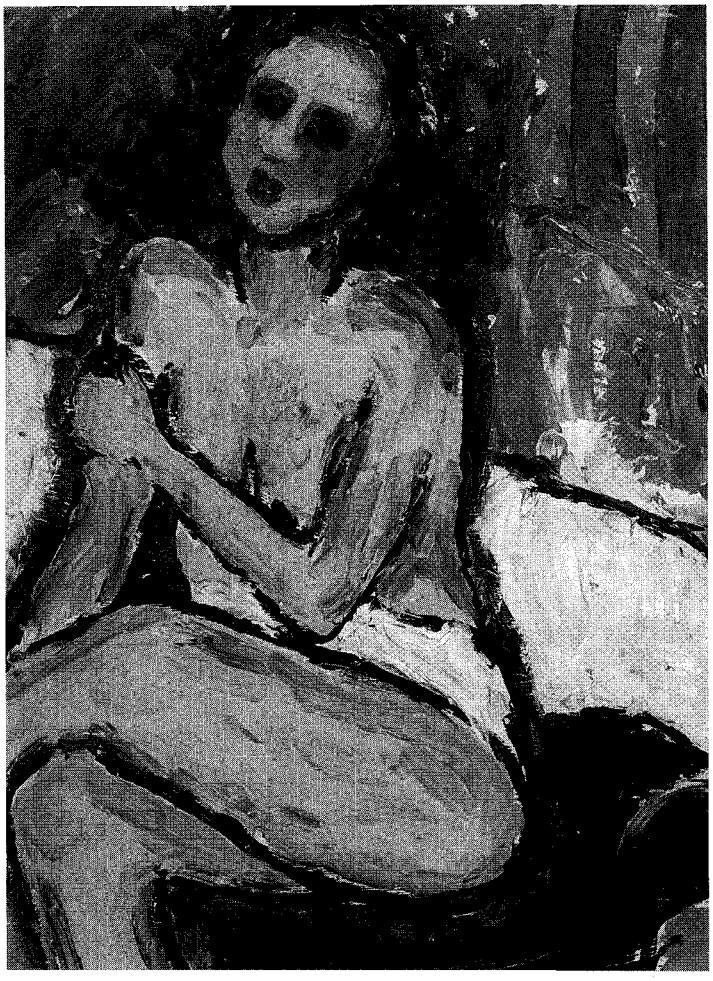
room after a professor complained that it constituted sexual harassment. When a Minnesota public-library worker posted, in his own work area, a *New Yorker* cartoon making wry reference to the Bobbitt case (one fully dressed man says to another, "What's the big deal? I lopped off my own damn penis years ago"), coworkers lodged a harassment complaint, and supervisors ordered the cartoon removed.

But workplace-harassment law reaches much further and covers much more than isolated examples of silliness about sex, an area that particularly lends itself to overreaction. In one case, which was settled "for undisclosed monetary terms and other commitments" before trial, the Equal Employment Opportunity Commission (EEOC) charged a company with harassing a Japanese-American worker by using images of samurai, kabuki and sumo wrestling to depict its Japanese competitors in an ad campaign, as well as by referring to competitors (but not employees) as "Japs" and "slant-eyed" in internal reports. A federal court has held that an employee's display, in her own cubicle, of pictures of the Ayatollah Khomeini and a burning American flag was "national-origin harassment" of an Iranian employee who saw the pictures. In 1992, the Office of Federal Contract Compliance Programs characterized anti-veteran postings by faculty members as workplace harassment based on Vietnam-era veteran status.



GWEN, BY MAXINE HENDERSON: BANNED IN MURFREESBORO

Surely, if any area of speech is constitutionally protected, it is the right to discuss religion and to proselytize. Yet a Pennsylvania court held that an employer's printing Bible verses on paychecks, and religious articles in the company newsletter, constituted religious harassment of non-Christian workers. In Oregon, a state agency found that a plaintiff was religiously harassed because a Seventh-day Adventist talked constantly about religion with everyone in the office. Seventh-day Adventism's "pessimistic doomsday outlook," the agency noted, depressed the plaintiff.

No one denies that people sometimes say ugly things to each other at work, and that campaigns of vilification against women, blacks or other minorities (or non-minorities) sometimes happen. But in the workplace, where we spend more time than anywhere but our homes, the law has come to accept a doctrine that some minority activists have tried, but failed, to embody in college speech codes and First Amendment law outside the workplace: that purportedly bigoted or offensive speech is itself a form of illegal discrimination. So, to get rid of discrimination, you have to get rid of discriminatory speech—a project which is now under way. Walter K. Olson, in his new book *The Excuse Factory*, notes that just between 1989 and 1993 the number of harassment charges filed with the EEOC more than doubled, from 5,600 to 11,900. Only about 5 percent of the claims involved demands for sexual favors or the like; the rest alleged "hostile environments." Slippery slopes may be more common in rhetoric than in reality, but plainly the law is now on one.

Recently a few legal scholars, such as UCLA's Eugene Volokh (to whom I am indebted), have begun asking hard questions about discrimination law and free speech, and how to contain the corrosive effects of the one upon the other. But the hostile-environment rule is like an acid that eats through any container you put it into. A better idea is to repudiate it, since it is now the country's most virulent threat to free speech.

The most peculiar thing about workplace-harassment law is not that it has turned the First Amendment on its head, but that it has done so without even trying. Generations of would-be censors—opponents of pornography, sedition, evolutionism, hate-speech, flag-burning, Klan rallies—have charged the First Amendment head-on and broken their necks. But opponents of discriminatory speech, who never paid much attention to the First Amendment, have sleepwalked right past it. At no point, right up to the present, did the courts and government agencies step back and weigh the free-speech implications of what they were doing. They just went step by step.

They started from a sound intuition. If laws against job discrimination are a good thing, what about workplaces where racists or sexists use their mouths to drive

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minorities or women away? Employers should, of their own accord, demand civility on the job. Most of them do. But some don't. For instance, in a 1985 case, *Snell* v. *Suffolk County*, white corrections officers used demeaning epithets against their minority colleagues, posted vicious cartoons and images ("Official Runnin' Nigger Target"), mimicked minority stereotypes, and so on. When a Hispanic officer complained, his car was vandalized, he received vicious phone calls at home at all hours, and white officers were so slow reacting to his distress calls that he was assaulted.

Now, the first thing to notice here is that, as in most cases of pervasive harassment, speech was commingled with punishable conduct: threats (which are not constitutionally protected), discriminatory treatment, misfeasance, vandalism, and so on. But speech was unquestionably part of the problem; plainly, the place was full of racists. It seemed natural, then, for the judge to go further than, say, demanding a halt to discriminatory practices, or granting compensation to the abused officers. He imposed a speech code. The employer, he decreed, must forbid corrections officers from using racial epithets on county property, posting or distributing "derogatory bulletins, cartoons, and other written material," to mimic minority stereotypes, and using "any racial, ethnic, or religious slurs, whether in the form of 'jokes,' 'jests,' or otherwise." Even a single "joke, jest, or otherwise" would require "prompt and severe discipline."

But wait a minute. The *Snell* injunction traduces more or less every known principle of First Amendment law. It bars speech that is not libelous, obscene, threatening or otherwise outside First Amendment bounds. It uses prior restraints to do so. It engages in viewpoint discrimination, barring only speech deemed to bear a discriminatory message. Its terms are extremely vague ("other written material," "or otherwise"). It creates unbounded peril, so that even one private critical remark is hazardous. It doesn't even require that punishable jokes actually bother anybody.

In none of those respects was the *Snell* judgment unique. Another injunction, for instance, required an employer to forbid "any and all offensive conduct and speech implicating considerations of race." One court ordered an employer and its workers to "refrain from any racial, religious, ethnic, or other remarks or slurs contrary to their fellow employees' religious beliefs." Another required a company to stop its employees from even bringing to work "materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic"—on pain of "suspension or discharge upon the second proven offense." That language is so broad as to prohibit, for instance, a book containing Renaissance nudes—though, come to think of it, Renaissance nudes could be used for offensive purposes. Outside the workplace, such injunctions would be unthinkable. Inside the workplace, they are applied literally without a second thought.

As it turns out, Title VII of the 1964 Civil Rights Act says nothing about speech. It forbids employers "to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." Much like affirmative action, hostile-environment law grew obliquely from a series of decisions by courts and administrative agencies in the 1970s and 1980s, each building on the last but none stepping back to view the bigger picture. As it has evolved, the standard holds employers accountable for preventing speech that is:

- "severe or pervasive" enough
- to create a "hostile or abusive work environment"
- based on minority status (race, sex, national origin, religion, age, disability, and so on)
- for the plaintiff and for a reasonable person.

From a common-sense point of view, that seems a fairly unalarming definition. Admittedly, "hostile or abusive" is vague, and "for the plaintiff and for a reasonable person" puts the listener and the public authorities in a position to veto speech that they don't like. But "severe or pervasive" seems comforting. Plainly, the definition isn't aimed at the odd racist joke, or the desktop picture of a bikini-clad spouse, or an impressionistic painting hanging in city hall. So why are courts banning any and all "derogatory written material," pervasive or not? Why was Maxine Henderson's painting removed from the Murfreesboro city hall?

Here we encounter a nasty surprise. What looks like a clear limiting principle isn't. "Severe or pervasive" gives defendants a fighting chance in court. But it doesn't do something that is, in the real world, more important: tell them how to stay out of court.

Imagine that a stranger showed you a ticking box labeled "BOMB" and said it might or might not be a clock. Do you open it? Now suppose your lawyer told you that your employees' speech might or might not embroil you in a potentially debilitating lawsuit. "Employers are not interested in winning lawsuits," says Michael J. Lotito, an employment lawyer with the firm of Jackson Lewis in San Francisco. "They are interested in making sure that lawsuits are never filed." The only way to do that is to stay on the right side of the law's bright lines. But, in hostile-environment law, there are no bright lines. Sensitivity trainers and diversity consultants often encourage workers to be thin-skinned, and plaintiffs build their lawsuits from particular instances of "harassing" speech, each of which they can cite to establish a "hostile environment." And employers know it. As Volokh points out, employers can't tell workers, "Say nothing such that the cumulative effect of your and all other workers' comments rise to a level that is severe or pervasive." They have to tell the employees to say nothing that might look to a jury like a "hostile environment." And judges can't say, "From now on, forestall the first incremental Holocaust joke that creates a hostile environment for a reasonable Jew."

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They have to say: no more religious jokes. The policy is driven by its logic to say: when in doubt, shut up.

Which, as Volokh notes, is exactly what employment experts advise. "Suggestive joking of any kind simply must not be tolerated," writes one. Another writes, "To avoid liability, the prudent employer will proscribe all speech and conduct that may constitute harassment. The possibility of creating a 'chilling effect' from prohibiting speech and conduct that may constitute harassment is outweighed by the risk of significant liability." The relevant authorities agree. In a pamphlet called "Preventing Sexual Harassment—A Fact Sheet for Employees," the Maryland Commission on Human Relations notes that a "sexually hostile work environment" can be created by discussing sexual activities, telling off-color jokes, using "demeaning or inappropriate terms" (whatever those are), or using crude and offensive language (whatever that is). And then, with admirable if creepy candor, it advises, "Because the legal boundaries are so poorly marked, the best course of action is to avoid all sexually offensive conduct in the workplace." Note that "conduct" has been stretched to cover pure speech of the sort that, outside the workplace, would enjoy unquestioned First Amendment protection.

So, when the Murfreesboro city attorney summarily took down Maxine Henderson's painting, he wasn't indulging paranoid fantasies or bluenose obsessions. He was doing the prudent thing. Dozens, maybe hundreds, of city workers walked past Henderson's seminude in the course of doing their jobs. Wasn't that "pervasive"?

Still, the doctrine includes what seems to be another sensible limit: it applies only to the "work environment." And maybe workplaces should be treated differently. After all, jobs are hard to come by, and most of us need to have one. Employees can't easily avoid colleagues' racist, sexist or otherwise offensive speech. In that respect, aren't workers a captive audience?

Maybe so. But if listeners are captive at work, then so are speakers, and they can hardly be asked to accept government gag orders by taking a job. Moreover, in the legal sense, which is narrower than the colloquial one, the workplace is not "captive" at all. The Supreme Court has consistently refused to extend the "captive audience" doctrine beyond the home, for the sound reason that life is full of places where we have little choice but to be, and full of speech we can't help but hear. Passersby can't avoid seeing "Fuck the Draft" written on a man's jacket, Times Square commuters can't avoid seeing a Calvin Klein underwear billboard, workers can't avoid hearing picketers every day calling them "scab" or "ugly bitch," and people with school-board business can't avoid hearing a speaker who uses the word "motherfucker" at a school-board meeting. But all of that speech, including "ugly bitch," is protected. In fact, even where the listener really *is* captive (at home), the Supreme Court still won't allow speech restrictions that favor one viewpoint over another, as restrictions on "discriminatory" speech clearly do.

So the "captive audience" argument actually doesn't help much, at least not where the Supreme Court is concerned. Still, an intuition nags. Surely going to work five days a week, sitting or standing next to the same bigot every day, is at least somewhat different from passing a billboard or hearing a foulmouthed school-board harangue. So maybe the Supreme Court should make an exception for the workplace. Maybe the limiting principle should be: restrict offensive, discriminatory speech in the workplace, but only there. But here arises nasty surprise number two. Not only is the "workplace only" rule ineffective as a principle for limiting the hostile-environment doctrine, it's actually a principle for transmitting it, in concentric circles, all through American life.

After all, everywhere is somebody's workplace—restaurants, shops, churches, streets, parks, even many homes. In 1991, a waitress at a diner in Berkeley refused to serve a journalist who was reading *Playboy*, on the grounds that this was sexual harassment. Better not laugh at her. Suppose a restaurant's regular patron customarily wears a cap with a Confederate flag on it, and a black waitress objects. Or suppose he likes to declaim, both to and around the waitresses, about the stupidity of women, or the waitress's beautiful breasts, or whatever. That's a "hostile environment." What do you do if you're the restaurant owner? "You may not think it's a big deal, but it's a big deal to the employee," says Scott W. Kezman, an employment lawyer with Kaufman & Canoles in Norfolk, Virginia. "The safest thing you can do as an employer is to take some type of action." This may mean asking the customer not to wear the cap, or not to make sexist remarks. If all else fails, advise Kezman and two coauthors in a December article in a human-relations trade publication, "managers need to learn what they can do to stop offenders—remove them or permanently bar them from the premises."

This is not idle advice. A Las Vegas dealer filed a sexual harassment suit against her casino for failing to take action against customers who, she alleged, stared at her and yelled about her "great tits." Federal Express was sued by a courier for failing to act against a customer on her route who repeatedly demanded dates, stared and said she would look better with her clothes off. Under this theory (and application) of the law, employers become the state's agents for policing the speech not only of their workers but of their customers.

What about universities? They're workplaces, too. Federal courts have been fairly diligent about rejecting speech codes at public universities, on the grounds that the typically vague and overbroad codes violate stu-

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dents' First Amendment rights. But lately a new wrinkle has arisen: proponents are arguing that workplace harassment law *requires* speech codes. When the Kansas Board of Regents asked for an opinion last year on its racial and sexual harassment policies, the state attorney general noted, reasonably, that the courts routinely uphold—indeed require—broad speech codes in the workplace, so they ought, in the name of consistency, to uphold them in educational settings as well. And he went further: if a student commits a racially motivated crime, requiring him to "undergo racial sensitivity training in addition to the provided penalty" may be a good way "to avoid ... liability under the 'hostile environment' formulation." So mandatory re-education for racists (meaning, of course, for individuals accused of racism), far from being constitutionally suspect, may be the best protection from a federal lawsuit!

Forget, then, about limiting the hostile-environment doctrine "only" to the workplace. Yet common sense still tugs at our coat-sleeves. Isn't there some way to punish foulmouthed bigots in the office without giving a speech-veto to the most sensitive pair of ears on the premises? Instead of looking for firm limits where none exists—well, how about just reasonableness? But here is the third and biggest nasty surprise. However benign it looks on the outside, the hostile-environment doctrine contains a savage seed, one that undercuts the very legitimacy of the First Amendment.

In the 1980s, a variety of left-leaning academics began talking about "words that wound." Racist, sexist, anti-Semitic or homophobic speech was *inherently* hurtful to the listener, no less wounding than knives or fists. "To me," said one law professor, "racial epithets are not speech. They are bullets." Another wrote: "we are not safe when these violent words are among us." Other voices pointed out that a campus, or for that matter a country, tainted by discriminatory words can hardly be free of discrimination. "All racist speech constructs the social reality that constrains the liberty of nonwhites because of their race," wrote Charles R. Lawrence III, now a law professor at Georgetown University.

The trouble was that "words that wound" turned out to be whatever words an offended interest group could convince an administrator to punish. In an infamous incident at the University of Pennsylvania, several students were able to initiate racial harassment proceedings against a student who called them "water buffalo" late one night when they stamped and bellowed under his window. At the University of Michigan, a student was disciplined for saying, in a classroom discussion, that homosexuality is a disease treatable with therapy. And there was a conceptual problem, as well: quite deliberately, the equation of discriminatory words with discrimination, of racist talk with racist action, erased the line between speech and conduct. Admittedly, the line is sometimes hard to find. But erase it in principle, and all words are indeed bullets, and First Amendment protections are positively immoral.

Consider, in that context, the hostile-environment doctrine. Plainly, mere words, even mere ideas, can create a "hostile environment." In fact, it happens all the time. Under the hostile-environment doctrine, much as under the "words that wound" doctrine, bad words are bad deeds: discriminatory talk is just another form of discrimination. And the government is obliged by law to eliminate discrimination wherever it can.

It was presumably this logic which, in 1988, led the 6th U.S. Circuit Court of Appeals to declare in *Davis* v. *Monsanto Chemical Company*: "While Title VII does not require an employer to fire all 'Archie Bunkers' in its employ, the law does require that an employer take prompt action to prevent such bigots from expressing their opinions in a way that abuses or offends their coworkers. By informing people that the expression of racist or sexist attitudes in public is unacceptable, people may eventually learn that such views are undesirable in private, as well. Thus Title VII may advance the goal of eliminating prejudices and biases in our society."

This is an astonishing, profoundly radical, statement. It says that it is the proper work of the state to stamp out "unacceptable" attitudes privately held by citizens, and that workplace law is a wonderful tool for accomplishing this. It makes explicit what the hostile-environment doctrine implies: that silencing obnoxious racists and sexists and so on is not just a by-product of antidiscrimination policy, but a goal. There is just no way to square any such goal with the central premise of free speech, which is that the only legitimate way in which the state may seek to eliminate biases in society is to allow an environment where biases are pitted freely against each other.

The 1988 decision was not merely loose talk by one misguided court. It was an expression of a doctrine that is now being widely applied. In 1994, the Kentucky Commission on Human Rights wrote to South Central Bell, explaining that the company's "Men Working" signs were discriminatory. The company replied that the signs would be replaced as they were retired. No, retorted the commission's managing attorney—the law requires *prompt* remedial action. Not later—now. "I feel confident," she said, "that if your signs included any other protected class, such as 'Whites Working' or 'Women Working,' they would be immediately removed and not utilized or replaced. Since we have been unable to resolve this problem through informal means, I am recommending that a Commissioner-initiated complaint be filed." The company, understandably, caved.

Now, no one, neither workers nor passersby, had complained about the company's "sexist" signs. A Bell South Kentucky spokeswoman says that if anyone had complained, the company would have begun phasing out the signs of its own accord. "It's important to us that our employees feel comfortable at work, and that our customers not feel offended," she says. Replacing hundreds of signs immediately, under threat of legal action, cost upwards of $36,000.

Cost, of course, is the least of the issues here. The

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bigger problem is that the law has given up any pretense of viewpoint neutrality. Instead it is openly, indeed eagerly, suppressing incorrect thinking, not in confined quarters but in a public street. What a mess this makes of traditional free-speech protections. The First Amendment is supposed to require the government to tolerate the expression of all sorts of beliefs without coercively favoring one over another. The new approach to workplace harassment turns the state's role precisely upside down. Wherever people work—which is practically everywhere—the "hostile environment" rule places the state squarely in the role of judging and enforcing which beliefs or prejudices or even conventions of language are acceptable and which are not, and which may be uttered and which may not. No one even bothers to pretend that hostile-environment law is meant to give racists or sexists a fair shake. "Dozens of reported cases involve liability claims based on anti-feminist statements that are frequently not at all obscene but often highly political and analytic in content," writes Olson; "an exhaustive search fails to uncover a single case in which feminist assertions have been ruled to contribute to a hostile environment." One court has said that workers' use of job titles like "foreman" and "draftsman" may constitute harassment. This is not about stopping "harassment," in any traditional sense; it is about suppressing speech to impose an egalitarian orthodoxy. In 1994, a jury slapped a $500,000 judgment on a Washington, D.C., television station because, as one juror told *The Washington Post*, managers "seemed to feel it was partly okay to make jokes about women" (for example, a production manager complained that "Nazi feminists" wouldn't let him smoke a cigar). A few years ago, when *The Los Angeles Times* proposed an internal speech code barring use of "offensive" terms such as "gyp" and "Dutch treat," the idea was hooted down in a barrage of ridicule. But when discrimination law does the same thing, no one laughs; increasingly, no one even notices.

For that matter, if the goal is to stamp out "hostile environments," why just the workplace? After all, a hostile educational environment is illegal under federal law; in 1994, the Education Department's civil-rights office concluded that some sexist remarks posted on a college-run electronic bulletin board created a "hostile environment on the basis of sex" (even though the complainants had not actually read them). The law also forbids discrimination in public accommodations. Are hotels creating "hostile public accommodations" for Muslims by putting Gideon Bibles in their drawers? Are public museums harassing women by displaying nudes? Nadine Strossen, president of the American Civil Liberties Union, points out that artwork has been removed from classrooms, city halls and public galleries on sex-harassment grounds—including art by female artists and with feminist themes. A Wisconsin state agency decided that an overheard, though loud, restaurant conversation using the word "nigger" created an illegal hostile public accommodation for black customers. Even the Internet may be a kind of public accommodation. Why not bar discriminatory speech there? Equating discriminatory speech with discrimination obliterates the very concept of an expressive zone where prosecutors, plaintiffs and equal-opportunity agencies can't try to censor whatever they regard as bigotry or sexism.

There aren't a lot of alternatives. One, of course, is to declare that ending discrimination is more important than the First Amendment, so there should be no right to expression deemed racist or sexist. That would end freedom of speech as we know it.

Another is to confess—as, for instance, the ACLU's Strossen does—that the First Amendment and the hostile-environment doctrine are in conflict with each other, but to say that nothing much can be done about this, so we'll just have to muddle ahead without any clear lines. "Protected expression can be distinguished from proscribable harassment only on a contextual basis, turning on the facts and circumstances of each particular case," writes Strossen. That, however, is exactly the current non-rule, and the whole problem is that employers, unsure what the judge or jury will decide, repress anything that looks dangerous if anybody complains.

A third alternative is more promising. The law should stipulate, argues UCLA's Volokh, that hostile-environment "harassment" occurs only when discriminatory speech is targeted at an individual in one-on-one conversation, when the individual has given notice that she objects, and when the speech is repeated often enough to rise to the level of pervasiveness. Overheard comments, group conversations and cartoons posted for general viewing wouldn't count.

Make no mistake, Volokh's rule would be an improvement over current law. By bringing the law into line with what most people mean when they use the word "harassment"—targeted vilification—it puts some sensible bounds on the reach of the hostile-environment doctrine. But the notion of a listener's veto, even if limited to one-on-one conversation, remains deeply troubling. What about cases where two employees work together: Does one get to shut up the other? And how would you confine Volokh's principle to the workplace, since, as he himself points out, the workplace is everywhere? Although Volokh's idea limits the listener's veto to groups of two, it nonetheless cedes the principle that individuals have a legal right to censor speech they find disagreeable, as they define disagreeable. It also cedes that the government can pick and choose which opinions to suppress. Those are awfully big concessions.

So another possibility remains: extend First Amend-

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ment protection to workplace speech. Just say that if the First Amendment is good enough for everywhere else, it's good enough for the workplace. The hostile-environment doctrine would be effectively abolished.

At first glance, this seems to leave minorities high and dry when surrounded by bigots at work. But that isn't so. Discriminatory actions—in hiring, firing, pay, promotion and so on—would still be illegal. So would quid-pro-quo harassment, in which supervisors demand, say, sexual favors or religious obeisances from employees. So would threats, obscenity and slander, which the First Amendment doesn't protect. Remember, most cases of genuinely pervasive verbal harassment directed at minorities, like the *Snell* case described at the beginning of this article, involve patterns of behavior, not just speech. In fact, the more damaging objection to abolishing the hostile-environment doctrine is that doing so might not make enough of a difference. Since racist speech could still be used in court to establish discriminatory treatment, employers would still probably err on the side of squelching it. A boss who admires his assistant's legs would still need to worry about a jury's finding that he was trying to get sex from her.

Still, the principle would be established that the First Amendment does not crumble into dust at the office door. The courts would have to stop ordering speech codes. Employers could force judges and juries to weigh First Amendment concerns rather than just ignore them. Most important, the barrier between discriminatory speech and discriminatory action would be restored.

Okay, but what about the problem that the whole story began with? What about workers who use their mouths to make women and minorities feel unwelcome or beset? It does happen. In one case, twelve Hispanic rental-car workers brought suit because their manager consistently used racial epithets and insults—what a court described as "a continual barrage of opprobrious racist invective"—in addressing them. The court issued an injunction against the manager, prohibiting him pre-emptively from "using any derogatory racial or ethnic epithets directed at, or descriptive of, Hispanic/Latino employees." What are we to do if this manager's speech, absent other discriminatory activity, is legally protected?

This is the hardest test case for my position, and I don't claim to have an easy answer. But my not-easy answer is this: here we face a decision about what sort of society we want. As this article has tried to show, there is no way to prevent workplace offense that does not also quickly lead to broad repression of speech. And I think minorities, like majorities, are better off in a country where their right to speak freely is inviolate, or as close to inviolate as possible. Recall that hostile-environment law tends to repress any and all speech around an offensive subject (such as conversation about religion in a workplace where proselytization has become a harassment issue). The end result is to chill, or cut off, frank discussion of race, sex or religion. "What we've become is a very, very sterile kind of environment in the workplace," says Lotito. "Everything has to be job-related. We have made people so afraid of basic human interaction." *The New York Times* reports that, after four hours of mandatory sensitivity training, New York sanitation workers concluded that "the only way to stay out of trouble was to avoid the women." Is a constipated workplace in minorities' interest? Or is it possible that, even at work, the frank exchange of views can bring understanding even, at times, to bigots?

The argument I'm making here isn't a comforting one, but it's the argument that has underpinned free-speech theory for centuries. In a free society, everyone, male or female, white or black, has a positive responsibility to be thick-skinned. Activists who insist that personal offense is a cause for public action are a menace to the freedom of conscience that protects minorities above all. So if you care about freedom of expression, then you will have to put up with hearing some deeply objectionable, even monstrous things, sometimes on a daily basis. No doubt minorities will get more than their share. Jews will have to hear Holocaust deniers. Blacks will have to hear racists. Women will have to hear their "hooters" praised. But the white heterosexual male population will come in for its share of insults, too; indeed, in many of today's diversified and minority-sensitive workplaces, white men may also get more than their share. And, anyway, it should not be illegal to be a jerk.

What I'm proposing isn't radical. I'm only asking that legally designated minorities live under the same free-speech principles that other people live with right now: fat people, short people, ugly people, unpopular people. And I do know something about this. I am homosexual, and, in most jurisdictions, homosexuals are not a protected class. We have no legal recourse against "faggot" or "queer" or other, more insidious forms of disparagement on the job. Gay people deal with it as people always have: by combining humor, stoicism, courage and appeals to the better nature of those around us. That is not always good enough, but is the law better? Where "sexual orientation" is a protected category, a complaining heterosexual might claim she was being "harassed" by a gay colleague who openly discussed his homosexuality. If that sounds farfetched, please note: it has happened! In 1990, a plaintiff alleged that her supervisor harassed her by "repeatedly [speaking] to her about his alleged homosexuality and [trying] to draw her into conversation on the topic of sexual preference." That particular claim ran aground on a side issue. But there will be more like it.

I personally have never been vilified at work on grounds of homosexuality, or any other grounds. So perhaps the case I make is easier for me than for others. But I do not think that joke police and state-imposed speech codes can be the answer. •

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THE HARD QUESTIONS

Unsolved mysteries

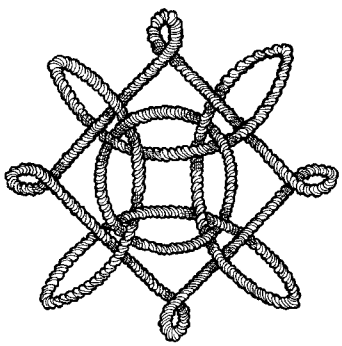
Good news is always welcome, but it is also somewhat unsettling when one has no idea why the news is good. New York City recently recorded less than 1,000 murders in a year for the first time in over two decades, as part of the persisting and sharp drop in crime. Reported crime has fallen more than 43 percent in the city in the last four years, and it has been noted that New York City alone, with 3 percent of the American population, accounts for a large part of the national plunge in crime. And, while New Yorkers may not fear murder on a day-to-day basis, something they do constantly fear—car theft—shows an equally astonishing drop, from 147,000 in 1990 to 60,000 in 1996, and a further 20 percent drop in the first quarter of 1997.

There has also been a decline in infant deaths in New York City to fewer than 1,000 in 1996. Though not as sharp as the drop in crime, the infant mortality rate fell from 21.6 per 1,000 births in 1970 to about 8 in 1996. It takes a long time for social policy analysts to examine all the figures and to accurately explain them. At the moment, even the experts appear to be guessing. One authority quoted in *The New York Times* attributed the reduction in crime to three forces: the decline of crack, the economic upturn and more aggressive policing strategies. One of the causes—the economic upturn—seems dubious: there has been little correlation between crime and economic surges (or recessions) in the past. Moreover, there isn't much of an economic upturn in New York City for the unskilled and less educated who contribute most to crime; indeed, the city's unemployment rates have remained persistently high, much higher than the national average.

The other two explanations—the decline of crack and more aggressive policing—seem more convincing to me. And they underscore a fundamental divide in how we explain changes in social statistics: Are they due to some serendipitous change in society and individual behavior, or is there some change in government that directly affects how people behave?

Certainly government will take the credit for these welcome results. The strongest thing going for Mayor Rudolph W. Giuliani as he seeks re-election is the remarkable decline in crime during his tenure. But does government really deserve the credit? And, if so, what change in government caused the transformation?

George Kelling, now a criminologist at Rutgers University, has been the leading advocate of the "broken windows" theory, named after a 1982 article he wrote with the political scientist James Q. Wilson. Kelling argues that when the environment deteriorates because the police ignore relatively minor transgressions of civility and decent public behavior, not only do these transgressions increase, but more serious crimes do as well. Get the police out of the police cars, he says. Let them walk the beat again, talk to the people in the community, stop kids from breaking windows even in abandoned buildings, pay some attention to the mild transgressions rather than focus exclusively on the worst. His views have been persuasive. There has been a shift nationwide to more community policing. It is certainly an attractive theory. Even if it does not reduce serious crime, it contributes to a better environment.



But there have been other changes in policing and crime control that make it difficult to pinpoint one cause for the lower crime rates. According to *The New York Times*, in one neighborhood that has seen such a decline, "Federal, state, and local law enforcement agencies are working to drive out drug dealers with aggressive policing tactics." In another New York neighborhood, a pilot program has consolidated the various divisions of the police—housing, narcotics and others—under the control of a locally based commander, making it easier to coordinate investigations and capture drug peddlers.

And there are other potential causes for the abrupt decline in crime. A TV program, reporting on an equally sharp drop in teenage murders in Boston, claims the fall is due to more aggressive control of teenagers on probation as probation officers work more closely with the police. A story in *The American Lawyer* attributes much of the reduction in New York City's murder rate to an aggressive young prosecutor using the Federal Racketeering Control Law to put away gang leaders for longer prison terms, and indeed, in the areas where the gang leaders have been prosecuted and incarcerated, there has been a sharp drop in homicides.

But there have also been other changes, owing nothing to government. More people now protect their cars against theft with wheel locks and car alarms (which unfortunately contribute to the din of the city). And more people install better door and window locks. Here people are acting on their own, regardless of what government does or doesn't do.

The steady fall in the infant mortality rate has received less attention in the press. But there do not appear to be any major new government interventions that might be responsible for it. Most programs directed at expectant mothers and infants have existed for twenty to thirty years, and in the last decade we have heard more about efforts to cut these programs than expand them. So we are back to the same question: Is government doing something right, or are more people simply doing something right?

We have become more skeptical about what government can do, but these positive changes, at least in crime, suggest that we have perhaps become too skeptical. The issue is not simply that government is doing something, but what it does and how it does it. Yet the changes we are seeing go beyond any governmental action. I do not think any expert would have predicted that the various reforms in policing and prosecuting would cause the recent plunge in crime. Nor do I think any expert looking at social conditions and government programs in New York City in 1980 could have predicted that the infant mortality rate would fall by 50 percent by 1996.

Perhaps government has been working less on social theory and more on resolving urgent problems through direct action. For example, New York City was afflicted for many years by the infamous squeegee men, who manned every major automobile entry into the city, cleaning windshields, often forcibly, in exchange for a tip. If upon taking office Mayor Giuliani had consulted sociologists, few would have predicted that having police simply get rid of the squeegee men would have much impact. But that is what the mayor did—and, strangely enough, the squeegee men did not return; nor was there any discernible increase in some other form of uncivil behavior or street extortion. So government can become more sensible even as it becomes smaller. But these statistics suggest that we are seeing changes in people's behavior that cannot simply be explained by what government is doing.

NATHAN GLAZER

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BOOKS & The Arts

Stanley Kauffmann on Films

Around the World in Twenty Films

The eighth annual Human Rights Watch International Film Festival is with us. Bravo. The title is unwieldy but unavoidable. Human Rights Watch is a group that does just what its name says, and every year it also assembles a number of pertinent films that are then shown in many places. There's no point in denying that the films are good for us: they are. They also happen, in my experience, to be good films.

This year's festival consists of twenty films and videos from eleven countries, almost all of feature length. The festival opened on June 6 at the Walter Reade in New York and after two weeks will play in at least ten more American cities as well as London, Bogotá and Port-au-Prince. Please watch for it. Please sample it. (I don't suppose that many would be able to see it all.) The four films that I've seen so far are unforgettable.

As it happened, those four were about women—though the festival's subjects range widely—and three of them were made by women. **Bye-Bye Babushka**, a documentary by Rebecca Feig, looks at older women in Russia today, women who spent most of their lives under Communism and are now experiencing change. We begin with a group of country women at the funeral of a 90-year-old friend (they leave food and drink for her journey), and the film ends at that funeral. In between we see something of the very old woman's last days as she cared for herself on her little place; and we see how little difference the change in government meant to the chopping and hauling and digging in her life. Interspersed with this account are the stories of her friends and of other women, some of whom suffered considerably under the old regime and some who want it back for its orderliness. Outside this group is a woman professor of history, a dissident under the Soviets, whose husband died in prison, who herself spent four years in Siberia and who now seems to look at her life not as martyrdom or heroism but as one more strand in history. (Incidentally, the flashbacks that illustrate comments about 1917 look like clips from Eisenstein.)

Not much of *Bye-Bye Babushka* is surprising in fact or opinion, but the dailiness of it, the details of clothes, voices, *wrinkles*, testify to what film can do in the hands of a good documentarian: convert fact into truth. Is one picture worth a thousand words? The old saw omits the respective quality of the picture and the words. In this case Feig's film is worth more than many thousands of the muddled words we have been getting from Russia.

Another documentary, **Stories of Honor and Shame** by Antonia Caccia, is the third of her films about Palestinian women. Here, in Gaza, she questions women, young and old, about the ways in which they were married. All of the marriages were arranged by male relatives, fathers or brothers, who had absolute control over them. Some of the women were married at 12 or 13 to men decades older. Some of them were second wives of men who still had older wives on the premises. (The second wives usually speak quite fondly of the older wives.) Most of the women accepted their fates and found consolation in their children.

A few of the women were rebellious. The first one we meet, young, ended her arranged marriage—details are not given—and is writing and acting in plays that present the oppression of women. We see a teacher giving advice to girls and a nurse explaining birth control to young wives, but we don't learn how well these ideas take. We do hear repeatedly of the fear of gossip. When Woman A goes out, she must not speak to Woman B, who is thought scandalous. And we hear repeatedly that, if women go out unveiled, they may have acid thrown in their faces.

This film was made in 1996, not 1696; but before we blast off about the tyrannies of Muslim males, we might remember that these conditions also exist in other social and religious contexts. I, no world traveler, have heard similar comments in quite different environments; others doubtlessly know of many more such circumstances. Still, it is shocking to hear women speaking these things on a film screen. There seems a contradiction between the modern medium and the antiquated message.

A Petal, from Korea, is a fiction film based on a novel—adaptation and direction by Jang Sun Woo (the one male director of these four). The title apparently refers to a petal floating on a turbulent stream. The central character is a girl of 18 or so from the town of Kwangju in South Korea where, in 1980, political dissent was put down brutally by the army. The girl's mother was one of those

FILMS WORTH SEEING

Brassed Off. *A coal miners' brass band, Yorkshire, 1992, as emblem of labor struggles. Mixed treacle and truth. (Reviewed 6/9/97)* **The Designated Mourner.** *Wallace Shawn's extraordinary writing—an insidious elegy for civilization—makes this piece for three speakers deeply moving. Mike Nichols is particularly fine. (3/24/97)* **Night Falls on Manhattan.** *Another Sidney Lumet "theater" film about New York crime, corruption and the struggle for municipal honesty. Not Lumet's best but well worth the time. (6/16/97)* **La Promesse.** *Quietly tremendous. A youth in a frantic Belgian city discovers that there is more to his life than he imagined—through the life of an African woman in the city's foreign workers' slum. (5/26/97)* **—SK**

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killed. The violence blasts the girl out of mental stability and a sense of place. The film follows her wanderings through the countryside in search of her long-lost elder brother who will protect her.

We follow her through episodes of abuse and rape and exposure until she reaches the point where overtures of kindness evoke the same screams of fear from her as does violence. Woven through are newsreel clips of the army's brutalities. Also woven through are bits of animation, mostly about the girl's dreams of rescue and haven.

Three or four young people become concerned to find this lost wanderer and travel around looking for her. At the end, they are still searching; she is still wandering. The point of the film, it seems, is to humanize statistics. Every day we read of 200 here or 375 there, in one country or another, who have been beaten or killed or driven out of their homes by political cruelties. Here, out of all those numbers, is one person. Just one.

Flame, a fiction film from Zimbabwe, was written by Barbara Jago, Philip Roberts and Ingrid Sinclair, who directed. We're told that Sinclair is the first woman to direct a feature film in Zimbabwe.

"Flame" was the *nom de guerre* of a young woman in the war to free Rhodesia. Now it's Zimbabwe, and Flame is living in a village, married to a drunk. She leaves and goes to Harare, where she looks up a young woman who was her companion in the war. That young woman, then called Liberty, is now a skyscrapered, computer-bound office worker. Both women are somewhat embarrassed by their meeting. The film then flashes back—moves back, rather—to tell of their part in the bloody struggle that brought their country its freedom. The two young women, who were always different in temperament and who remain so, are ultimately united as they once were in battle—this time in the new country.

The film has a boomy soundtrack, and the editing is not always lucid, but *Flame* makes its point: there was a war, and women were in it.

One overall benefit of this festival: it reminds us, drizzled on as we are daily by volcanoes and spaceships, that other films are always being made. Here are only twenty of those that were made recently around the world.

Postscript. Also on the festival's list is Francesco Rosi's latest film, *The Truce*, made from a Primo Levi novel. As it will have a separate theater opening soon, I'm waiting to see it and to comment. •

Swan's Way

BY JOHN BANVILLE

W. B. Yeats: A Life
Volume I: The Apprentice Mage
by R. F. Foster

(Oxford University Press, 640 pp., $35)

He was, Auden said in his elegy, "silly like us." In fact, he was frequently a lot sillier, as R.F. Foster demonstrates in this splendidly exhaustive account of the first fifty years of Yeats's life. Early on he conceived of himself—or simply conceived himself, for he was largely his own invention—in the role of The Poet, affecting a brooding dreaminess of manner and dressing the part in black tailcoats and drooping bow ties; and later he exchanged this velvet mask for the hammered bronze one of the "smiling public man," molding himself, far more convincingly than Stephen Dedalus or his creator James Joyce ever could, into the "conscience of his race."

His pretensions were impervious to ridicule, whether it came in the form of fond teasing by his long-suffering but lively sisters, or the exquisitely wrought jeers of Max Beerbohm or George Moore. Throughout his life he expended a good part of his creative energies in futile commerce with spiritualists, mediums and bogus wizards. He conceived a great romantic passion for a woman who could neither love nor understand him, who kept a lover and two illegitimate births hidden from him, who without warning threw herself away in marriage to a "drunken, vainglorious lout," and who valued him mainly for the nationalist propaganda that she could induce him to generate. His fieriness in public affairs (and in some private ones) was

VIETNAM

SON THANG
An American War Crime
by Gary D. Solis

Three months after Army lieutenant William Calley was charged with the infamous massacre of civilians at My Lai, the Marine Corps had to deal with a savage war crime of its own. West Point law professor Gary Solis, a Marine combat officer in Vietnam and later a judge advocate, describes the crime—the murder of 16 women and children by five Marines at Son Thang-4—and then examines the problematic investigation, trials, and aftermath.
384 pages. 26 photos. Bibliog. Index.
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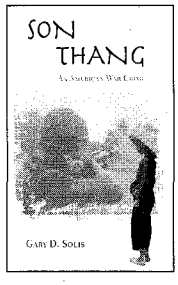
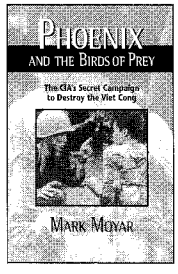


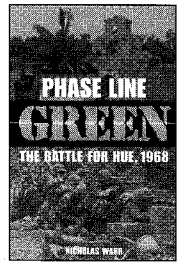
PHOENIX AND THE BIRDS OF PREY
The CIA's Secret Campaign to Destroy the Viet Cong
by Mark Moyar

For more than 30 years, the Phoenix Program, the CIA's top-secret effort to destroy the Viet Cong by neutralizing its "civilian" leaders, has conjured up dark images of secret assassinations, kidnappings, and torture of as many as 70,000 civilians by the South Vietnamese and their U.S. advisers. This study explodes many of the prevailing myths and perceptions of the program to set the record straight.
432 pages. 40 photos. Bibliog. Index.
#1-5934/$29.95



PHASE LINE GREEN
The Battle for Hue, 1968
by Nicholas Warr

The bloody, monthlong battle for the Citadel in Hue during 1968 pitted U.S. Marines against an entrenched, numerically superior North Vietnamese Army force. By official U.S. accounts it was a tactical and moral victory for the Marines and the United States. But a survivor's compulsion to square official accounts with his contrasting experience has produced a different perspective of the battle.
268 pages. 10 photos. Index. #1-9115/$29.95



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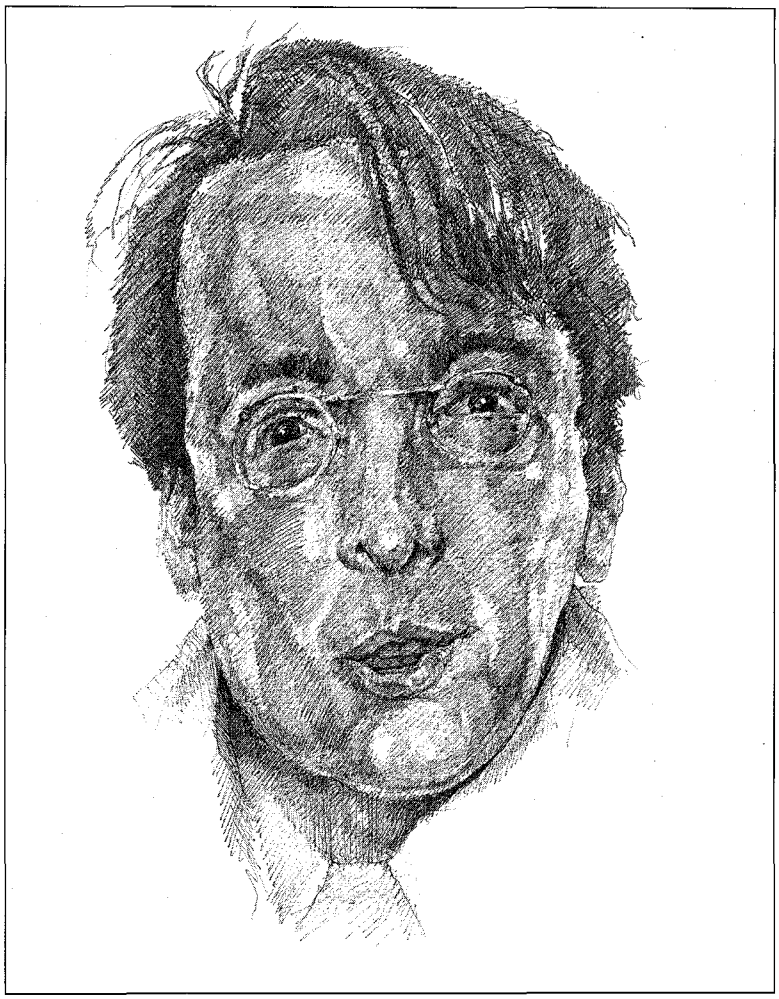
frequently no more than the *ignis fatuus* of overheated vanity, a blend of will-of-the wisp and the will-to-power. ("Must not anyone who wants to move the crowd be an actor who impersonates himself?" asked Nietzsche.)

Yet out of all this base metal he managed to produce, in the alembic of his genius, the pure gold of great poetry. He lived well, loved variously, made loyal friends and implacable enemies, ran a National Theatre, mired himself in the murderous politics of the day, all the while hearkening to the spirit voices even in the midst of his most mundane doings. He was an exemplary figure for the Irish writers who came after him, even if many of us have sought to throw off his example, as one would throw off a smotheringly heavy cloak.

The history of this, the official biography, has been fraught with the kinds of struggles and hesitations that its subject would have recognized and, probably, savored. Denis Donoghue was first approached to write it, but abandoned the task, reportedly because he felt that the Yeats family was not allowing him sufficient access to the poet's papers. Next came the historian F.S.L. Lyons, who worked at the project for nearly a decade before his death in 1983. R.F. Foster, a former student of Lyons's at Trinity College, Dublin, gives generous acknowledgment to his teacher, whose widow "has made his archive of transcripts and notes unconditionally available to me, and they immeasurably eased my initial entry into a vast and unfamiliar subject." That "vast and unfamiliar" is the first striking of a chord of defensive apology that sounds repeatedly throughout Foster's short but trenchant introduction.

Foster, born in Waterford, Ireland, in 1949, is himself a distinguished historian, the first Carroll Professor of Irish History at Oxford. In Ireland, he has a somewhat controversial reputation as a "revisionist" historian: a slippery term that signifies to some a betrayal of our nationalist heritage and to others a welcome dose of realism and straight talk. In the case of Yeats, he declares, what is needed is "not another exegesis of the poetry from a biographical angle," but a restoration of "the sense of a man involved in life, and in history: notably in the history of his country, at a time of exceptional flux and achievement." This Foster adduces as the justification for the fact that a great poet's biography should be written by a historian.

Foster points out that his book "may contain less about poetry and its making than might be expected." And his emphasis is throughout on the political and social at the expense of the aesthetic; and this imbalance, if imbalance it be, is likely to be even more marked in Foster's second volume, as Yeats the "smiling public man" really gets into his stride. This has provoked some grumbles of complaint. It is true that one could easily forget, for pages at a stretch, that this is the life of a poet and not a politician or a social reformer. The rare quotations from the poetry positively startle, while one can almost hear an authorial rubbing of hands as the life comes under the direct influence of historical events ("Lloyd George's daring budget of 1909, the peers' ill-starred resistance and the two general elections of 1910 had brought matters to a crisis . . . "). Yet Foster is such a perceptive and elegant writer that one forgives him his preoccupations. In his portrait of this singular, emblematic man, he has created a narrative of the making not only of a poet, but of a literature and a nation.



W.B. YEATS BY DAVID SCHORR FOR THE NEW REPUBLIC

William Butler Yeats was born in Dublin in 1865. His grandmother was a Butler, which was the family name of the leading Anglo-Irish dynasty of the Dukes of Ormond, and although the Yeatses insisted on a direct link, "official genealogy did not bear them out," as Foster laconically has it. If their aristocratic pretensions were ill-founded, however, the family had firm roots among the Protestant gentry. On the Yeats side, the poet came of a long line of well-to-do merchants and churchmen, while his mother's people, the Pollexfens, had migrated originally from Devon in the eighteenth century and set themselves up as businessmen in Sligo, on the western seaboard, an area that would be of deep significance to Yeats both as poet and Irishman.

WBY (this is Foster's nomenclature for his subject throughout) was a complex blend of traits from both sides of his family. His father, John Butler Yeats, trained as a barrister, but he abandoned the law in favor of art, throwing himself, and his wife and children, into a hand-to-mouth life of bohemian wanderings. The poet's mother wilted under the strain and went into a long decline that ended in a death that seems hardly to have impinged on her husband or her children. The Pollexfens were low church Protestants, with a puritanical disapproval of things intellectual, yet they were fascinated by mysticism. The poet's uncle, George Pollexfen, was an enthusiastic member of the Order of the Golden Dawn, the magical society which, though highly risible, would provide much poetical inspiration and material, especially in Yeats's early work.

These two families, superficially similar but deeply contrasted, made for a potent brew of influences. As Foster says, "it became a commonplace for JBY and

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his children to ascribe character and fate to the clash of two tribal constellations." The poet's father was fully, and proudly, aware of his contribution to the formulation of his son's poetic genius: "By marriage with a Pollexfen I have given a tongue to the sea cliffs." Although Ireland was to laugh at WBY's claims to grandeur, the Yeatses and the Pollexfens were formidable clans—"no petty people," in WBY's ringing phrase—and a part of Foster's endeavor is to chart the "long decline" of the Irish Protestant ascendancy of which these two families were among the final flowerings.

Yeats's childhood and youth were passed among such archetypically bohemian surroundings that the early chapters of Foster's book read like the opening of an Edwardian novel about the making of a poet. The family shifted restlessly between Dublin, Sligo and London. WBY's education was slapdash, to say the least. He never learned to spell properly, nor to master a foreign language, though he read French with difficulty. His father had a real artistic talent, but he was not a finisher: he would take on portrait commissions, labor at them diligently for weeks, then scrape down the canvases in order to start all over again. He had a little money from the rents of some inherited land, but usually it was spent long before the annual check arrived. There were times when the children went hungry. Yet he must have been a wonderful father—"working and caring for children makes me anxious and careful of them, but amusing them makes me fond of them"—and his son William, especially when he came to middle age, fully realized how much he owed his father, if not in material then certainly in artistic terms. Their letters are the record of a great and unique intellectual exchange.

Early on, then, Yeats learned the necessity of making his own way in the world. He began to write poetry, which earned nothing, and literary journalism, which earned little more than nothing. But he was dedicated and he was shrewd, making what contacts he could, dunning editors for work, always buttering up the right people. This early phase of the forging (pun intended) of the self was not all lofty gestures and mystical rhetoric. He had no hesitation in using his good looks and persuasive manner—and, it should be said, his highly developed sense of humor—to charm the blue stockings off literary ladies in far-flung suburbs of London, in the hope that they might find the occasion to put his name about in this or that significant drawing-room. And, despite the dreaminess, he did not neglect the inner man. Foster remarks how one editor was "mesmerised by WBY's ability to consume vast quantities of food without appearing to notice it."

Yet the adventure upon which Yeats had embarked was a serious business, despite the frequent sillinesses. With Blake he firmly believed in "the ancient supremacy of the imagination," and with Wilde that "a man should invent his own myth." Nietzsche's doctrines of the *Übermensch*, and his urgings to "become who one is," also struck a resonant chord in Yeats's grandeur-hungry heart. Foster is indulgent of the poet's excesses in this regard, far more indulgent than many of WBY's contemporaries. There is a famous account by Max Beerbohm of a dinner given by the entrepreneur Leonard Smithers to celebrate the first edition of *Savoy* magazine. Among the guests were Yeats, Aubrey Beardsley, Arthur Symons and Smithers's gauche wife, "brought out from some far suburb for this occasion only." Yeats was launched upon a peroration on "Dyahbolism" when, "in a pause in his own music," he heard Symons remark that in his opinion the nomadic life was best for an artist.

> Shaking back the lock from his brow, he turned to Symons and declared that an artist worked best among his own folk and in the land of his fathers. Symons seemed rather daunted, but he stuck to his point. He argued that new sights and sounds and odours braced the whole intelligence of a man and quickened his powers of creation. Yeats, gently but firmly, would have none of this. His own arguments may not have been better than Symons's; but, in voice and manner and countenance, Symons was no match for him at all. And it was with an humane impulse that the hostess interposed. "Mr. Symons," she said, "is like myself. He likes a little change." This bathos was so sharp that it was like an actual and visible chasm: one could have sworn to a glimpse of Symons' heels, a faint cry, a thud. Yeats stood for an instant on the brink, stroking his chin enigmatically, and then turned to resume the dropped thread of Dyahbolism. I could not help wishing that he, not poor Symons, had been the victim. He would somehow have fallen on his feet: and his voice, issuing uninterruptedly from the depths of the chasm, would have been as impressive as ever.

Yeats made rapid progress, not only as a literary man, but in society, in the theater, in politics, in love. His first substantial volume of verse, *Poems*, was published in 1895. There is a touching glimpse of the newly published author by his sister Lily: "... he can't part from [the book] but sits not reading it but looking at the outside and turning it over and over." In financial terms, it was his most successful collection; in 1929, he wrote that over

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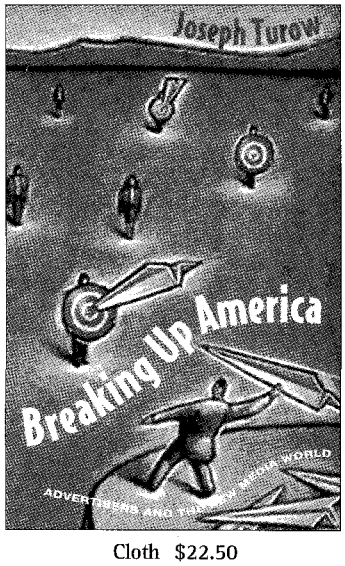

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the years it had brought him "twenty or thirty times as much money as any other book of mine—no twenty or thirty times as much as all my other books put together." (Foster, unlike most biographers, does not scorn to keep us abreast of the progress of his subject's finances, which were never less than fascinating.)

The poems in this volume went a large way toward establishing the movement, if it can be called a movement, known as the Celtic Twilight, twilight here meaning not eventide but the gray hour before dawn, when it was thought that the spirit world was at its busiest. It is fascinating now to look back over the verse of this early period and to detect in it, despite the limp sentiments and the arcane usages ("Let us part, ere the season of passion forget us, / With a kiss and a tear on thy drooping brow"), the anticipatory traces of that muscularity and sinewy toughness that were to be the distinguishing trait of the work of his maturity.

From the outset he understood that if he was to make his mark in London as well as Dublin (not to mention New York), he would have to find a tone and a subject matter that would set him apart from the Georgian languishings of the day. He began to mine the rich vein of Irish folklore and legend—" ... I could find / Nothing to make a song about but kings, / Helmets, and swords, and half-forgotten things ..."—over which he threw the trembling veil of spiritualism. The result was a sort of dreamy mythography that was unmistakably Yeatsian.

This period produced some of his most enduringly popular poems, such as "The Lake Isle of Innisfree" (a thing he came to hate, as all writers hate their anthology pieces), the love poems such as "When You are Old" and the even more blush-making "He wishes for the Cloths of Heaven" ("Tread softly because you tread on my dreams"). But it produced also the magical "The Song of Wandering Aengus" and such lesser-known jewels as "Who Goes with Fergus?" which Joyce so admired and made so much of in the opening pages of *Ulysses*:

> Who will go drive with Fergus now,
> And pierce the deep wood's woven shade,
> And dance upon the level shore?
> Young man, lift up your russet brow,
> And lift your tender eyelids, maid,
> And brood on hopes and fear no more.
>
> And no more turn aside and brood
> Upon love's bitter mystery;
> For Fergus rules the brazen cars,
> And rules the shadows of the wood,
> And the white breast of the dim sea
> And all dishevelled wandering stars.

Perhaps the most fascinating aspect of the first half of Yeats's life as an artist is the manner in which he transformed himself from the somewhat fey versifier of the 1890s into the grand seigneur of his later years. It is one of the great literary mutations of the century, comparable to Joyce's remaking of himself between *A Portrait of the Artist as a Young Man* and *Ulysses*, and Beckett's migration from English to French. As the years went on, Yeats noted with satisfaction the increasing "masculinity" and "saltiness" of his work. The process would continue and intensify in the period following the close of Foster's volume. Looking at the *Collected Poems* now, one remarks how much poetry was to come after he reached 50. By the end of Foster's book, Yeats has published what can justifiably be called his first truly mature volume, *Responsibilities*; and still to come were *The Wild Swans at Coole*, *The Tower*, *The Winding Stair* and the extraordinary *Last Poems*. Why should not old men be mad, indeed?

Many of the poems in *Responsibilities* are taken up with the public arguments—the squabbles, some might say—into which Yeats threw himself with relish in the first decade and a half of the century. Clearly to be heard now is that note of lofty brusqueness and Swiftian indignation which would go into the making of the mask of his maturity. In verse so weighty that it seemed hewn from granite, the poet reprehended his fellow countrymen for their pettiness and venality and spite:

> What need you, being come to sense,
> But fumble in a greasy till
> And add the halfpence to the pence
> And prayer to shivering prayer, until
> You have dried the marrow from the bone?

Responsibilities marked a turning point in his artistic sensibility, and in his sense of himself both as a poet and a public man. Yeats could clearly see now the course upon which he was embarked, the course that he had set for himself, despite the real perils to which he knew he was exposing himself and his art. If Auden overstated the case when he claimed, in his ode, that "mad Ireland hurt [him] into poetry," it is true that Yeats was determined to play an active and effective part in the life of his country. He was aware of the danger of falling into the role of the propagandist: "At present if a man make us a song," he told the Chicago *Daily News* in 1903, "or tell us a story, or give us a thought, we do not ask 'is it a good song, or a good story, or a true thought?' but 'will it help this or that propaganda?' " This was rich, coming from the author of *The Countess Cathleen*.

Still, he was clear-eyed about his own predicament. "I am often driven to speak about things that I would keep silent on were it not that it is necessary in a country like Ireland to be continually asserting one's freedom if one is not to lose it altogether." The final poem in *Responsibilities* is an aesthetic valedictory:

> A Coat
>
> I made my song a coat
> Covered with embroideries
> Out of old mythologies
> From heel to throat;
> But the fools caught it,
> Wore it in the world's eyes
> As though they'd wrought it.
> Song, let them take it,
> For there's more enterprise
> In walking naked.

Apart from his family, the three most important figures in Yeats's life were Maud Gonne, Augusta Gregory and John Synge. There is a suitably misty confusion over the precise date on which he first encountered the Athena-like Gonne, the love of his formative years and the inspiration of some of the finest poems of his early period. She believed that she had met him at his father's studio in Dublin when she was 20 and he 21, but he thought they did not meet until three years later, in London. Ironically for a woman who was to become an unrelenting Irish nationalist, she was the daughter of a British army officer. Foster has a nice description of her as a "Shelleyan *princesse lointaine*, equipped with great height, tragic beauty and secret sorrows," and as such she was just the thing for a mystical-minded patriot such as Yeats. She, however, did not think so.

He threw himself at her feet, and remained crouched there for the best part of a quarter of a century, but only on rare occasions did she bend down from that great height to comfort him in his love-sickness. For many years she had carried on a secret love affair with a French journalist and politician named Lucien Millevoye, and had two children by him. She had known Yeats for nearly ten years before she told him of this other life. He was devastated, of course, but he received the news with grace and a fine restraint. On that fateful day in 1898, he wrote to Lady Gregory: "MG is here & I understand everything now. I cannot say more than that if I am sorry for my self I am far more sorry for her ... & admire her as I could not have done before."

He continued to love and to idealize her, even when four years later she suddenly entered upon a disastrous marriage with John MacBride, the "drunken, vainglorious lout," who mistreated her and sexually abused her daughter Iseult,

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and who was to be shot by the British for his part in the Rising in 1916. Yeats's steadfastness was rewarded by Gonne's inspirational nationalism, by her vivid accounts of visions and astral communications which he fed into his increasingly complex mystical system—and in a more earthly manner, in Paris in 1908, when it seems that they at last slept together. Such a long-delayed consummation might have been expected to be anticlimactic, but afterward both were ecstatic, Yeats writing of "our laughing, weeping fit" and Gonne pouring out to him a description of a dream in which he took the form of "a great serpent" and the two of them "melted into one another till we formed only *one being*. . . ."

By this time Yeats was deeply involved in the running of the Abbey Theatre, set up by him with Lady Gregory and J.M. Synge, with the not always willing assistance of the brothers Frank and William Fay. Foster's account of these busy, turbulent and productive years is richly detailed, perhaps a little too much so. Lady Gregory, who was 44 years old and four years a widow when she met Yeats in 1896, provided the kind of loving support that the poet had lost when his mother faded from him into neurasthenic illness and began to suffer the series of strokes that led to her death in 1900. Foster quotes this account by an Abbey actress of what appears to have been a no more than usually trying afternoon of rehearsals:

> [Brigit O'Dempsey] was struck by how [Yeats's] patience with neophytes alternated with "insufferable rudeness" to actors who failed to understand his wishes: one of the gentlest members of the company was driven to saying, "Mr. Yeats if you speak *once* again like that, I'll knock you into the footlights." O'Dempsey thought that if this had happened, no one would have pulled him out. "However the knock-out blow did not occur, for W.B. drifted off the stage moaning for Lady Gregory who waddled along and led him by the hand to have a cup of coffee."

The dowager herself may have harbored feelings stronger than maternal for the handsome poet thirteen years her junior. Despite her High Victorian appearance and manner, she was a passionate woman, and she entertained a number of love affairs well into her late middle age. (One of her lovers, as Foster reveals—for the first time, I think, though he quotes no source for the information—was the New York lawyer John Quinn, picture collector extraordinary, and patron and friend of many of the great Modernists including Eliot, Pound and Joyce.) Coole Park, the Gregory house in Sligo, was a refuge and an inspiration for Yeats, as can be seen from his poems of the time.

Lady Gregory's example of strength, hauteur and fortitude fed Yeats's growing sense of himself as part of an aristocratic elite with a powerful voice not only in the cultural life of the country but also in its social and political life. Some critics have claimed to detect a note of class jealousy in Yeats's attitude to Synge, who came of that land-owning, hard-riding, shootin' and fishin' stock to which Yeats, the descendant of traders and petty churchmen, could only aspire. Yet Foster writes movingly of Yeats's regard for the playwright, a regard that intensified into stricken love after Synge's premature death from cancer in 1909. As Foster observes, "the emblematic meaning of Synge's death would haunt WBY for the rest of his life, inspiring a continual elegy in prose and verse."

Not that all had been sweet agreement between the two men. Synge was self-centered to an even greater degree than Yeats; and, unlike Yeats, he did not require the attention and admiration of others to sustain his sense of his own worth. Yeats marvelously characterized this side of Synge's personality as "a furious impartiality, an indifferent turbulent sorrow." When the Abbey audience protested at *The Playboy of The Western World*, and Yeats excoriated them from the stage for their ignorance, Synge's only response was a languid shrug. Such detachment must have seemed almost a rebuke to the querulous, histrionic Yeats.

For WBY, however, life was passion or it was nothing. And few artists in this century lived as fully as he did. As Pound put it, "Yeats knows life, despite his chiaroscuro, and his lack of a certain sort of observation—He learns by emotion, and is one of the few people who have ever had any, who know what violent emotion really is like; who see from the centre of it—instead of trying to look in from the rim." This is the man whom Foster's vigorous portrait catches in all his grandeur and his pettiness, in the early and middle flowering of his genius. The volume closes, appropriately, with the writing of *Reveries*, Yeats's collection of autobiographical sketches and meditations. In a lecture in 1910, he had declared that the poet's life "is an experiment in living and those that come after have a right to know it." Foster has taken his subject's lead and written a wonderful account of the first fifty years of that grand experiment.

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The Art of Shi

By Arthur Waldron

Cultural Realism: Strategic Culture and Grand Strategy in Chinese History by Alastair Iain Johnston

(Princeton University Press, 307 pp., $39.50)

China's cultural distinctiveness is one of the axioms of the Western discussion of China, but the advanced weaponry that has been streaming into that country in the past few years and the ways in which China seems set to use it hardly look exotic. The most alarming imports have come from Russia—advanced fighter planes, quiet submarines, anti-ship cruise missiles, and a variety of electronic technologies; and they are all components, it appears, of a strategy against the United States in the Pacific that looks very familiar indeed.

It looks familiar because it bears a close resemblance to the Soviet strategy against NATO in the late cold war. Just as the Soviet Union sought to cripple the NATO alliance by making the Atlantic impassable, so China seems to be preparing to divide Washington from its Asian allies and friends by acquiring the weapons needed for what is known as access denial. Indeed, the SS-N-22 cruise missiles carried by recently purchased Sovremenny class destroyers place American carrier battle groups at risk. It is a worrisome picture.

For those who believe that societies have deeply ingrained cultural patterns and styles that affect everything they do, the picture is also puzzlingly un-Chinese. Is the People's Liberation Army becoming totally Westernized? Is it importing not only foreign equipment, but also foreign doctrine? What has become of China's own military tradition? Where are the *Seven Military Classics*? Where is *The Art of War*?

The Chinese *bingjia*, or writers on war, constitute perhaps the most sophisticated body of writings on that topic in any language. The greatest of them, Sun Zi, who lived in the sixth century B.C., sketches a whole system in which indirection, intelligence and psychological operations are far more important than actual combat. "All warfare is based on deception," he maintains. "Therefore, when capable, feign incapacity; when active, inactivity. When near, make it appear that you are far away; when far away, that you are near. Offer the enemy a bait to lure him; feign disorder and strike him." Such typical sentences (these are from the first chapter of *The Art of War*) are sometimes condescendingly dismissed as "strategy by fortune cookie," but, like everything else in the text, they repay pondering. Any strategist can make profitable use of them, but for the Chinese, many of whom to this day can recite the entire text by heart, these teachings are second nature.

Or so one thought. But where have they gone in the assessment of China's current approach that interprets it as essentially derived not from Sun Zi, but from the Soviet Union? We remember the Soviet art of war for its stress on numbers and firepower, and for its great attritional victories at Kursk and Stalingrad. But these would not have impressed Sun Zi. He counseled that "to win one hundred victories in one hundred battles is not the acme of skill. To subdue the enemy without fighting is the acme of skill." Can it really be the case that this brilliant and unique tradition of thinking about war, so different from what is found, say, in Clausewitz, is having no important effect on what China is doing today?

Political scientists call this problem the question of "strategic culture." Do different civilizations think differently about security, and thus behave abroad in culturally distinct ways? Or is behavior determined by external circumstances and universal categories of thinking, in rational or practical ways that are pretty much the same, regardless of country or culture? This latter view of international relations is known as "realism." Realists among political scientists have sought to show that China, too, conforms to their universally applicable principles, but China specialists have rarely agreed. Instead, they have long insisted that China's strategic culture is unique; and more, they have maintained that understanding it is absolutely essential if one is to make sense of China's international behavior today, and to plan one's own way of treating with China. And so we get books with titles such as *Chinese Ways of Warfare* or *The Chinese World Order* (both of them edited by the late John K. Fairbank).

And what *is* the strategic culture of China? A crude summary would say: a sense that China should be preeminent, and should sit at the top of the political pyramid, joined paradoxically by a distrust, moral and practical, of the use of force, and the conviction that, by dint of deception, persuasion, and stratagem, great victories can be won at minimal cost. Versions of these traits have been identified by Westerners ever since the Enlightenment. The *philosophes*, who were responsible for much of the standard image of China even today, extolled that civilization as rational and peaceful. Unlike Europe, whose selfish princes waged endless and pointless wars, China, under the rule of reason, had long ago built a Great Wall that provided an absolute defense behind which the arts of peace could flourish. The heyday of imperialism in the nineteenth and early twentieth century produced a very different stereotype of China, but the conclusion was similar: China is harmless, because its soldiers did not want or could not want to fight. This was the message conveyed by the early twentieth-century caricature of "warlord" wars, almost inevitably compared to *opera buffo*, venal, comic perhaps, but certainly not threatening.

In the early twentieth century, a serious reading of the Chinese military classics got underway in the West, and once again the stress was on the novelty of Chinese ideas. Where Western warfare seemed to be applied engineering, with efficient attrition as its supreme expression, the Chinese approach was more psychological, more like art. A small but influential minority of American thinkers, most notably Marine Brigadier General Samuel B. Griffith (whose translation of Sun Zi is quoted above), fell under its spell. Griffith, who served in China before World War II, and was awarded the Navy Cross for his heroism at Guadalcanal, did his work on Sun Zi at Oxford after his retirement; and along with his translations of Mao Zedong, it had a profound impact on thinking within the American military.

Even after Chinese troops nearly drove American and U.N. forces off the Korean peninsula in 1950, creating the popular image of "Red China's fighting hordes," students of China and foreign policy still looked for—and by and large found—something more subtle: a China sinned against as much as sinning, wishing for peace with the West but frustrated by cold war attitudes, but

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still using force in distinctly Chinese ways. In this view, the objective of force, according to the Chinese understanding, was not so much to coerce or to compel as to signal and to warn. The Korean intervention and the Formosa Straits crises were widely explained not as attempts to determine outcomes by force, but as carefully choreographed displays (regularly compared to Beijing opera or the traditional Chinese shadow play) in which force served to communicate Chinese concerns, and to make them seem urgent.

To be sure, the Chinese were not always very subtle or minimal in their uses of force. Looked at closely, battles in the Chinese civil war looked much more like something out of World War II than something out of the Three Kingdoms. What were the human wave tactics in Korea, if not attrition? And those mass executions that are still a staple of "anti-crime" drives in the People's Republic, with convicts by the dozen shot in the neck before stadium audiences numbering in the tens of thousands (required to attend): there is nothing understated in those spectacles. The executioners who stuck heads on pikes at the gates of medieval cities in Europe would have understood them perfectly.

So the ingredients have long existed for a scholarly reaction against the view of China that proclaims it culturally averse to violence and explains away what might look like violence by references to subtle cultural traits. On this front, the currently rising generation of China specialists is leading an impressive intellectual charge. New and archivally based accounts of the Korean War have established just how involved China was, and how far from mere "signaling" were its military objectives. There have been re-examinations of domestic policy that show power rather than ideology to have been the key factor; and scholars have comprehensively refuted the once-received idea that good relations with China would have been possible in the late 1940s and early 1950s had Washington not fumbled and created estrangement (the theory of the "lost chance in China"). And this is just some of what has been produced.

Along these lines, the most intellectually ambitious work so far is Iain Johnston's new book. Johnston is a political scientist who has spent years studying the Chinese military classics as well as current military writings, and interviewing strategic specialists in the People's Republic of China. All this work has persuaded him that, far from seeking to avoid the use of force, as Sinologists have

You deserve to know the facts about....

"Land for Peace"

Can it solve the problems of the Middle East?

There has been much emphasis for years on the "land for peace" formula to solve the long-simmering problems of the Middle East. Translating this slogan into plain English means that Israel should surrender Judea-Samaria (the "West Bank"), Gaza and the Golan to the Arabs. They would establish a Palestinian state. Once that happened, it is thought that peace and tranquility would soon come to the troubled Middle East.

What are the facts?

■ The concept of "land for peace" is a totally new one in the history of the world. It was formulated for one purpose only, namely to pressure Israel to give up territories that it has administered since the Six-Day War of 1967. By its victory in that war, Israel wound up in possession of these territories. Contrary to what many are led to believe, the "West Bank", the focus of today's attention, had never been part of any Arab country. It was part of Palestine, a territorial unit that, by the Mandate of the League of Nations and in line with the Balfour Declaration, had been designated as a national home for the Jewish people.

■ Thus, while the concept of "land for peace" is a brand-new one, the concept that to the victor belong the spoils is as old as history itself and had really never been questioned before. Our own country, of course, following its Manifest Destiny, has benefited greatly and has consolidated its territory by applying this motto. But Israel followed a different path. From the day of victory in 1967, it waited for an offer of peace from the Arabs. But that offer never came. Instead, following the war, The Arabs pronounced their three unalterable "nos:" no recognition, no negotiation, and no peace with Israel.

■ In 1977, President Sadat of Egypt traveled to Jerusalem and presented a peace plan. The Israelis eagerly embraced his suggestion. In exchange for peace and normalization of relations, Israel returned to Egypt the vast Sinai peninsula, together with the city of Yamit; some of the most advanced military installations in the world; the port and naval installations of Sharm-el-Sheik, which safeguards Israel's access to its port of Eilat; and the oil fields Israel had developed and which had made Israel self-sufficient in its energy requirements. And, of course, Israel also gave up the natural buffer against aggression that the Suez Canal and the strategic depth of the Sinai itself provided. It was a first in history. Never before in the chronicle of mankind had the victor returned conquered territory to the vanquished in order to attain peace.

■ One would expect that the concept of "land for peace" would work both ways. After all, should not the Arabs also make some territorial sacrifices for peace? Unfortunately, that is not the case. Every inch of land held by the Arabs is considered "holy Arab soil" and its possession by the "infidels" is inadmissible, intolerable, a blasphemy and a case for "jihad" (holy war). No compromise, no concession is ever possible. Sale of land to Jews is punishable by death. A far as the Arabs are concerned the "land for peace" principle is basically a one-way street.

■ The "land for peace" formulation is now mostly applied to Judea-Samaria (the "West Bank"), Gaza and the Golan Heights. Israel's foes, but also some of its friends, urge Israel to yield these regions to the Arabs in exchange for "peace." But there is no peace, and no peace will come about by Israel's giving up these areas of vital strategic importance to those who are its sworn enemies and who have declared over and over again that they wish to use this land as their launching pad for the final attempt at the destruction of Israel. The conflict in the area is not only between Israel and the "Palestinians." It is first of all between Israel and the hostile Arab nations. With the exception of Egypt,and now also of Jordan, virtually all of them are still in a state of war with Israel.

To none of the Arab countries has it ever occurred that *they* might trade land for peace—as, for instance, yielding the "West Bank", Gaza or the Golan to Israel for the sake of peace and tranquility. Egypt certainly made no territorial or other concessions for the sake of peace and neither did Jordan. Both countries drove very hard bargains to which the Israelis, in their unending quest for peace, acceded. There is never any accommodation on the part of the Arabs, never even a gesture of tentative friendship. For the victor to yield land for peace to the vanquished is a new idea—who knows, it might even be a good one. But it surely would have to work both ways in order to be valid and effective.

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long affirmed, the Chinese are, if anything, more willing to use it than the next fellow (or hegemon). As Johnston points out, China's resort to violence in eight out of eleven foreign policy crises up to 1985 (or in 72 percent of the cases) is far higher than the comparable figures for the United States, the Soviet Union, and Great Britain from 1927 to 1985 (18 percent, 27 percent and 12 percent respectively).

Johnston's book is as much a test of the theory of "strategic culture" as it is an essay on China. Indeed, Johnston's rigorously designed methods, replete with cognitive maps and the like, are designed to be applicable more generally to any society. His reading of the Chinese military classics, moreover, does not reveal the sort of preference for indirect approaches, winning without fighting, and so forth, that Sinologists regularly discover. Nor does his examination of the use (or lack of use) of force against the Mongols during the Ming dynasty disclose any calculations that Europeans would have found culturally unfathomable. Instead, Johnston finds a China that behaves remarkably as the predictions of realism would suggest. As he puts it, "Chinese strategic thought shares many of the same assumptions as *parabellum* or hard realpolitik worldviews found in some variants of Western realism. That is, warfare is viewed as a relatively constant element in human interaction, stakes in conflicts with the adversary are viewed in zero-sum terms, and pure violence is highly efficacious for dealing with threats that the enemy is predisposed to make."

One might think, therefore, that Johnston would abandon the concept of "strategic culture" for the realist argument, and argue that China is just like other countries, that it responds to external circumstances in the same comprehensible way that they do. But he does not come to these conclusions. Instead, in a remarkable twist, he argues that, in spite of the correspondence between Chinese behavior and realist predictions, Chinese strategy is nevertheless not determined by circumstances but by beliefs. It is, as he puts it, "ideational," which is to say, it comes out of books and culture. Johnston argues, as one of his colleagues puts it, that "China has a strategic culture, and it is realism."

Johnston's argument here is probably a bit too sweeping (though Chinese approaches to the use of force do indeed display particular cultural characteristics). But Johnston is correct that many actual Chinese uses of force look far more like "realism" than many Sinologists have recognized. His stress on the "realist" thread in the classics is likewise very illuminating. Still, to combine these two into an argument that the realism that we observe in Chinese practice is "cultural" probably reaches too far.

Sinologists (myself included) have quibbled with Johnston over many points. To begin with, what should be our guide to Chinese "ideation," or culture, in connection with conflict? Johnston relies upon the *Seven Military Classics*, a canonical collection fixed in the eleventh century. But far better known than these texts, and far more influential in the culture, were the Confucian classics, and their humane view of human action is much closer to what the traditional Sinologists have described. About them Johnston has little to say, except to argue that they were a kind of official language that legitimated decisions. His translations from classical Chinese are also sometimes debatable. Johnston has been guided very much by how his texts are read in Beijing today, which is interesting to know, but far from authoritative philologically. His notes make little reference to the sounder Sinological tradition of interpretation that is found in the works of D.C. Lau or Roger Ames, to mention but two authorities. And Johnston's book is too unrelievedly academic; it is intellectually rigorous but overly technical for its purposes.

None of these cavils, however, should be allowed to impede the fundamental message of the book, which is that, whether for reasons of expediency or culture, everything in Chinese history and tradition is not humanism and pacifism and subtlety. To the Tang poems, the Song landscapes, and the exquisite etiquette we must add a new appreciation of the brutality of the place. A harsh and sophisticated tradition enthusiastically endorses the use of force. This culture of brutal force comes with its own rich vocabulary: *lu*, "to massacre, exterminate"; *zhu*, "to execute, punish with death"; *hui*, "to smash, ruin"; *mie*, "to destroy, eliminate," and so forth. (Johnston provides fascinating lists.) And it provides some very clear-eyed guidelines for its employment.

This tradition is, to be sure, not the mainstream of Chinese thought. It is, if anything, taboo. For the Confucians, whose humane and pacifistic concepts dominated Chinese philosophy for millennia, the theories of the military specialists were anathema. But Machiavelli is not exactly in the mainstream of the West, and who would not suggest a serious reading of the Florentine to an Asian seeking to understand Europe? Johnston's work is, moreover, very timely. To the question of what China intends to do with the new military capabilities that it is acquiring, Johnston's implicit answer is, clearly, use them. While some observers still talk about China's pride, its requirement for prestige, its desire to overawe its neighbors, and so forth, Johnston reminds us that, as the *bingjia* or military writers understood, weapons are tools. His examination of China's military actions since 1949 indicates that, consistent with realist theory, China's resort to force has "been related to improved relative capabilities" while "*when in a crisis* China tended to act in a more conflictual manner as it grew relatively stronger."

The relationship of strategic reason to culture is a complicated one. China's employment of force may not be exactly "realism," cultural or not, but it certainly possesses certain cultural characteristics that are very evident in recent events, which can be tied to key words in the classics; and these characteristics are regularly overlooked by foreign observers. Everyone knows that it matters whether your adversary is the Germans or the Italians or the Chinese. The question is how, exactly.

The Chinese are not, and never have been, the pacifists that the *philosophes* imagined, nor are they concerned only with "signaling." But neither are they West Point graduates who happen to speak a different language. They have an approach to force that differs in certain basic ways from our own, and it must be understood if we are to make sense of their actions. Their way of thinking about force makes a lot of sense when one considers Chinese history.

Even today, China is simply too big, and its population is too numerous, to be ruled by force alone. Contemplating the sheer numbers involved, Western strategists have regularly counseled against fighting "a land war in Asia," but it is less often recognized that Chinese leaders have always faced pretty much the same problem. An army of a size that is reliable is not large enough to coerce all of China; and an army large enough to coerce all of China will not be reliable. Not that force is irrelevant. Far from it. Still, the Confucian notion of a leadership based on virtue turns out to make a lot of sense under such conditions.

So it is not surprising that even those Chinese texts that are concerned above all with force, such as *The Art of War*, manifest an ambivalence about it that is hard to find in the Western tradition. In all the thirteen chapters of Sun Zi's book, in fact, the word *li*, or force, occurs only nine times, and several of those occurrences are in negative or caution-

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ary contexts. Contrast that with Clausewitz's *On War*, where the equivalent, *gewalt*, occurs eight times just in the two paragraphs where war is defined. The Chinese aversion to force is not simply moral, it is also practical. As Sun Zi points out, the "moral influence" or *dao*, and not the physical correlation of forces, is the ultimate basis of social cohesion, and thus of victory and defeat.

This has meant that the Chinese way of war has always sought to avoid attrition, a trait that distinguishes it dramatically from the Western way, at least since the American Civil War. But Sun Zi puts it last on his list of how to proceed. The best, he states, "is to attack the enemy's strategy. Next best is to disrupt his alliances. The next best after that is to attack his army. The worst policy is to attack cities"—that is to say, attrition. But "efficient attrition" is American doctrine today. It is essentially an engineering approach to conflict that sees the destruction of enemy assets as the basic method of defeating him. The Chinese approach, by contrast, focuses on the mind and the will of the adversary, seeking to destroy harmony and stability (*zhi*) and create confusion and chaos (*luan*), and to do so by all means including force, but with special emphasis on those methods that have the greatest psychological impact.

The ideal operation, then, is one that is quick yet overwhelmingly decisive; that leaves the enemy at a loss, strategically and emotionally; that takes advantage of enemy weaknesses, and at its best turns enemy strategy to its own uses; and that is unleashed at precisely the opportune moment. Or, to use the Chinese term, it is an operation that capitalizes on *shi*. *Shi* is a word whose meaning I grasped only a few years ago, after twenty-five years of studying Chinese. It does not mean "military power," as Johnston translates it, nor is it "energy," as Griffith renders it. It is, rather, something along the lines of "purchase, advantage" (in Roger Ames's version) or "propensity" (in the translation of François Jullien, who has just published a whole book on it). It refers to the configuration and the tendency of all the factors (terrain, weather, forces, morale, and so on) that bear on victory. The military commander must evaluate all these elements, and move only when they are in optimal alignment.

That moment of opportunity is described by another Chinese character, *ji*, which means a turning point. If one thinks of *shi* as being a function that rises and falls according to the values of the variables, then *ji* is a maximum, or a minimum, or an inflection point—which is to say, the moment to strike. And how to strike? The American military talks about "operational plans," for anything from peacekeeping to D-Day. The Chinese talk about a *mou* or a *ji* or a *ce*—three words for more or less the same thing, which the standard translation "stratagem" doesn't quite capture. Operational plans as we know them must be sound and promise success, even at a certain cost; but the Chinese "stratagem" is intended to be more like a masterstroke, not just solid but brilliant. This doctrine of strategic cleverness has fascinating names, such as "kill with a borrowed knife," or "let the plum tree wither in place of the peach," or "the empty city"; and the point of this ingenuity is to add psychological acumen to operational skill, and thus to secure victory at a far lower cost than might be expected, and even at no cost at all.

To be sure, things rarely work out like that. Attempts by Mao's forces to "clamor in the east, attack in the west" never made them a match for the Japanese in World War II. In Korea, the initial Chinese surprise attack on the U.S. Eighth Army was militarily and psychologically devastating, but it did not end the war, which would eventually cost nearly a million Chinese lives. In Vietnam in 1979, their overland invasion lacked even initial success, and cost as many lives in a few weeks as the Americans lost in the entire war. Still, the Chinese doctrine has had its successes. Surprise operations against islands held by Saigon in 1974 and others held by Hanoi in 1988, launched when first the United States and then the Soviet Union were abandoning their respective Vietnamese allies, worked very well, as did the seizure of Mischief Reef from the Philippines in 1995, shortly after the Americans had left Subic Bay and Clark.

So the way that the Chinese end up in bloody slugfests doesn't mean that they intend to do so. The brutal outcome has generally been an unforeseen result of plans that had quite a different purpose. The Chinese recognize that prolonged fighting can be disastrous, but unlike Clausewitz, who expected things to be difficult or to go wrong as a consequence of "friction," the Chinese tend to calculate—as the Germans and Japanese once did—that their own brilliant stratagems, executed by their own well-trained forces, can somehow work—unlike anybody else's—in practice as on paper. And *that* is the key to the danger today. Those who extol the subtlety of Chinese uses of force in international politics are certainly right about one thing: the Chinese do put great stock in their ability to get more with less, and they do aspire to play the diplomatic and military game with a skill that will assure maximum winnings at minimal cost. The problem is that China's reach regularly exceeds its grasp. The brilliant stratagem turns out in prac-

Centenary

You have lived one hundred days
of somebody else's life, all possibility
under an open sky that does not need you.
A thousand of this man's ghosts
serenade your sorrows, giving them
reason you would never admit.

You were wandering far from home,
looking for promises to make and then keep,
listening for a lapse of unease.

And when you settled here
on a morning rippled with uncertainty,
a vow to an early self articulated its needs.
The landscape was tumbling over and over itself
in the sharp light, you could no longer consider
the things you had learned were yours.
Images of recent worlds fell in on themselves,
shifting into fragments and fragments.

There was a message you'd forgotten to leave,
the scattering of emblems that spilled from your case
at the door and shimmered once at their loss.
Everywhere you walked, small fire flared in your wake,
burning old cellophane days into cinder and scent.

Melanie Rehak

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tice to *qiongbing duwu*, or "exhaust forces in protracted fighting," as the classical Chinese phrase puts it.

Bismarck and Moltke, whose approach to war is perhaps closest to the Chinese approach, feared escalation above all. Hence the rapid conclusion of the Danish war and the immediate and favorable peace in the Austrian war. The war with France, by contrast, was a nightmare for them: brilliant operational success at the outset, including the capture of Napoleon III, did not translate into a quick conclusion to the fighting. The protracted and costly struggle glimpsed then became reality in World War I.

Well into the twentieth century, however, some Westerners continued to believe in easy victory along lines similar to what the Chinese classics imagine, and long after experience should have taught them otherwise. The Schlieffen Plan and Hitler's whole approach to warfare were premised on it, and the Gulf war has unfortunately given it a new lease on life, not only in the United States—where people who should know better seem to believe that "smart weapons" will win future wars at little cost—but also in China, where the concept has such powerful resonances in the already existing strategic tradition.

Westerners may celebrate heroes who were brave and strong (Achilles or Hector) and view with suspicion those who were clever or devious (Odysseus), but the Chinese tradition is quite different. Its greatest hero is Zhuge Liang, in the Three Kingdoms: a man of virtue, to be sure, but best known for his ingenious and deceptive stratagems. Having smart commanders has always mattered much more to the Chinese than to Westerners, who have, if anything, viewed them with some suspicion, as unsound. Now, with our "smart weapons," we have a material analog to the brilliant commanders whom China has always sought and esteemed. Or so we think. Science and technology have reinforced the already powerful cultural conviction that China can get much more with less because it is cleverer and better than its adversaries, not only intellectually but also materially.

The recent alarming operations that China carried out in Asia confirm this assessment. China fired missiles against Taiwan a little more than a year ago. Beijing believed that Taipei was diplomatically isolated and that the United States would do nothing. Taiwan had limited capacity to deter or to retaliate. And Taiwan's navy and air force were between generations of equipment: what they had in service was mostly obsolete, while the next generation replacements had not yet arrived. Advantage and opportunity, in other words, favored China.

How was the operation against Taiwan expected to unfold? No direct amphibious or airborne assault, such as Americans would immediately consider, was envisioned. The purpose, rather, was to demoralize and to humiliate Taiwan, and to create chaos, *luan*, on the island. With trade halted, stock markets collapsing and capital fleeing, the calculation was that Taipei would have no choice but to make major concessions.

Added to the advantages of timing and strategy that China believed it held in this case was another edge, an edge in weaponry. The missiles fired were (and are) weapons against which no defense exists. American reinforcement might make clear our political will, but nothing we could (or can) do, not even sending the entire U.S. Navy and Air Force to the area, could actually stop the missiles. So, unless Washington were willing to attack missile launchers on Chinese soil, what *The New York Times* called the "bludgeoning" of Taiwan could have continued, had Beijing so chosen, even in the presence of American forces.

Similar packagings of calculation and technology have been evident in other recent Chinese moves in Asia. The previous summer China had also fired missiles in the Taiwan area, although nowhere near so close. Nor was Taiwan the only target. Early in 1995, Manila—which threatens nobody and considered Beijing a good friend—discovered that Chinese forces had unilaterally occupied Mischief Reef, a disputed island in the Spratlys, a little more than 100 miles from the main Philippine islands—and almost 1,000 miles from Chinese shores. The seizure was protested, but compared to China the Philippines have no navy to speak of; and so the Chinese move is a fait accompli.

We can expect more such operations. In mounting them, China will seek to combine local technical superiority with diplomatic advantage and operational surprise: that is what two millennia of military writings counsel. They will operate in the narrow zone between what frightens their neighbors and what gets the attention of the United States. Nor will these operations be only posturing, or attempts to improve a bargaining position. As Johnston makes clear, China will seek to use force decisively, taking maximum advantage of its relative superiorities to create new realities. A cloud of misinformation, moreover, will accompany such incidents, and China will ruthlessly exploit the openness of the democratic societies of America and some of its Asian allies. The expectation will be that, faced with a rapid, decisive, and quickly terminated operation, the United States and its allies will be both unable and unwilling to do anything and will choose to accept the new status quo.

This is potentially very dangerous behavior. When such actions succeed, as they often do initially, they teach each side the wrong lesson: the aggressor learns that the defender is faint-hearted, while the defender learns that the aggressor will not be appeased. So almost inevitably they go wrong, when one side overreaches and the other decides to draw the line, and the tragic result is often escalation and even war. In the United States, we are not particularly skilled at dealing with such crises, nor are our Asian allies, who tend to understand the Chinese game better, but fear acting alone. Tactics such as those that the Chinese are now employing require focused attention and perpetual vigilance, backed up by real force. Without the establishment of clear deterrence, the risk is that, as in March 1996, China will read us (or Japan, or Taiwan, or Indonesia) wrong, start something that they think will be small, but instead precipitate a significant conflict.

And yet, for all this, the picture is not entirely grim. Chinese military theory does stress analyzing the adversary very carefully, and seeking to avoid confrontation or attrition. The sort of military calculus that Johnston outlines may be opportunistic, and may not shrink from brutal use of force, but it is ultimately prudent. Sun Zi has no truck with heroism of the Leonidas at Thermopylae variety; he wants to know, before the battle, that every conceivable factor from terrain to numbers to morale favors him. What this means is that strength and plain talk can deter the sort of risky operation China may sometimes be tempted to undertake. Bluster aside, Beijing today has absolutely no desire actually to confront the United States or our allies by plowing directly into areas of our interest.

So what is the answer to China's growing Soviet-style military capability? No matter whether you read Chinese strategy as Johnston does or more traditionally, the best prescription is to do operationally what we did against the Soviet Union. I wish to be clear. I am not suggesting that we should isolate or wage a cold war against China. I mean, rather, that we should make our interests clear (and substitute "strategic clarity" for "strategic ambiguity"), be vigilant, and when lines are crossed, respond instantly, diplomatically and operationally. Had

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we placed naval vessels in China's missile target zones in 1995, and supported the Asian countries in their protests, the far more dangerous missile firing in 1996 would most likely have been deterred. Whatever the truth may be about the subtlety or the hardness of Chinese strategic culture, it is American signaling that is very important.

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Thou Shalt Not Kill

BY PETER BERKOWITZ

The Curse of Cain: The Violent Legacy of Monotheism by Regina M. Schwartz

(University of Chicago Press, 211 pp., $22.95)

Modern philosophy has taken an avid and occasionally malicious interest in the evils, petty and profound, that have been committed in the name of biblical faith. Machiavelli relished recounting Christianity's "pious cruelty." By a carefully drawn comparison to the tolerance of pagans, Hume was pleased to show off the intolerance of Christians. And Nietzsche blamed Judaism for giving birth to Christianity, which he attacked for preaching, under the guise of universal love, a virulent hatred for all that was healthy, beautiful and noble.

But these illustrious enemies of religion were not the first to put biblical religion to the test of morality. They had sharp and distinguished precursors in ... the Bible. In the face of God's determination to destroy Sodom and Gomorrah, Abraham confronted God with the demands of justice, urging Him to consider the innocent along with the wicked. The prophets called their communities to account for mechanical and coldhearted observance of religious ritual. Jesus was forced to overturn the tables of the money lenders and expel them from the Temple because those responsible for maintaining the holiness of that holy place were unable to separate the service of God from the service of Mammon. And in the name of the priesthood—or the fundamental equality—of all believers, Luther mounted an attack on what he regarded as a corrupt Church hierarchy.

Biblical faith itself has been one spectacular moral source for the critique of biblically based religious life. Unfortunately, Regina M. Schwartz does not take much notice of the long and varied tradition of moral criticism of biblical faith that preceded her own contribution to the enterprise. In her book she concentrates instead on laying bare the dominant and (in her view) deeply destructive moral vision that she believes is inscribed in the Bible. Her aim is to loosen that vision's grip on men and women in the West and to sketch the outlines of an alternative morality.

A self-proclaimed "outsider" and "interloper" in the world of biblical scholarship, Schwartz provides provocative readings of a range of biblical tales and teachings; and she does not hesitate to indict, convict and render final judgment. The trouble, in Schwartz's eyes, is not with the Bible as a whole, whose conflicting tendencies, self-subverting stories and crisscrossing narratives she applauds. As her many probing interpretations effectively show, the Bible can be read against the grain: it exhibits self-critical moments, and in various ways invites the reader to appropriate and to refigure its leading themes and judgments. No, the trouble, according to Schwartz, is with monotheism, or as she sometimes prefers the "myth of monotheism" or just plain "Yahwism."

This myth—the belief in one God, creator of the heavens and the earth—constitutes "a system in which identity depends upon rejection of the Other and subjection of the Self." Sometimes Schwartz goes so far as to suggest that monotheism lies at the root of evil in the Western world. In her account, monotheism's violent legacy is a consequence of the "law of scarcity" that it implies. The law of scarcity (or "the logic of scarcity," "the rule of scarcity," "the myth of scarcity," "the supposition of scarcity," "the scarcity paradigm," "the tragic principle of scarcity," "the pernicious principle of scarcity") proclaims that there is never enough of the good things—attention, prosperity, land, love, blessings—to go around. And the law of scarcity is a myth, because it does not reflect the ultimate truth about the world. The myth has come to be regarded as a law, Schwartz thinks, in large measure through the enormous influence that the Bible has exerted on the making of the Western mind.

It is an oddity of Schwartz's account that the law of scarcity does not derive its power and its influence, so far as she can see, from facts about the world or common human experiences. Its authority flows, rather, from faulty metaphysical principles and misguided beliefs about God. "Scarcity is encoded in the Bible as a principle of Oneness (one land, one people, one nation) and in monotheistic thinking (one Deity), it becomes a demand of exclusive allegiance that threatens with the violence of exclusion." Of course, by excluding from the interpretation of the law of scarcity all but the ugliest meanings and motives, Schwartz practices the exclusion that she so fervently opposes. Surely it is conceivable that the devotion of one people to one land and one nation can contribute to the realization of justice by restraining that people from imposing its vision of justice on other lands and nations. And one can certainly imagine that by establishing the essential connectedness of all humankind, the affirmation of and allegiance to the one God, creator of all the world, works to override the fear of foreignness that comes from the encounter with deep differences of language, culture and religion.

While she is single-minded in her opposition to the law of scarcity, Schwartz acknowledges that the Bible did not invent scarcity and has no monopoly on it. "Ancient peoples conquered one another long before the Israelites wrote about it, and in philosophy, Aristotle's principle of noncontradiction established that for A to be A it could not be B while Plato wrote of *polemos*, endless war against the foreign, the diverse, the 'enemy.' " But Schwartz introduces these qualifications without grappling with the problems that they raise for her argument. If conquering was common before the Bible, in the pagan and polytheistic worlds of antiquity, then doubt must be cast on the tight connection that Schwartz wishes to draw between conquest and monotheism.

In her effort to include Aristotle and Plato among the purveyors of the doctrine of scarcity, moreover, Schwartz is rather reckless in her statement of their views. This fashionable trope that sees

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evil in the law of noncontradiction is a silliness that must stop. Contrary to what is implied by Schwartz's caricature, it is precisely Aristotle's formulation of the principle of noncontradiction that reveals the sense in which A can be both A and B. According to Book IV of the *Metaphysics*, "the same attribute cannot at the same time belong and not belong to the same subject in the same respect." As Plato's Socrates illustrates in *The Republic*, with his image of the spinning top that is moving in one respect and stationary in another, the principle of noncontradiction enables us to understand the complexity and the heterogeneity that are such obvious features of the world. And sometimes not so obvious. It is also the principle of noncontradiction that allows Maimonides to observe in *The Guide for the Perplexed* that Adam and Eve, having been fashioned of the same flesh and bone, "were two in a certain respect and that they were also one." Far from homogenizing the world, the principle of noncontradiction is the basis of our capacity to discern unity within difference, and the difference that accompanies unity.

That Schwartz misses all this suggests that her book is less an exercise in understanding than a polemic against a principle that she is determined to reconfigure as foreign and worthless. Schwartz organizes her case against scarcity around several themes in the formation of the collective identity of the ancient Israelites: covenant, land, kinship and nation. In each case, she attempts to show that forging a collective identity in relation to the one God and His law of scarcity depended on cruelty, perversity and the violent exclusion or negation of others. According to Schwartz, to make a covenant with the one God, as the Israelites did at Mount Sinai, is to be "utterly subjected" and to absolutely reject "the Other." The divine imperative to possess the land of Israel contaminates the people, and it functions to legitimate conquest after conquest and to foster permanent relations of domination. To define identity in terms of kinship relations, as the God of the Bible requires, is bad, because "violence stems from any conception of identity forged negatively, against the other." Schwartz seeks also to "unmask the monotheistic commitments of nationalism" by showing that the biblical God's demand for His people to live in a settled land and to build for Him a permanent house or Temple provided models for the xenophobic and imperialistic drives of the modern nation-state.

For the most part, Schwartz argues, the Bible sanctions the formation of a collective identity that is singular, static and exclusionary. And yet it also provides hopeful glimpses of an identity that is multiple and mobile, inclusive and evolving, governed by the good "principle of plentitude" and not the evil law of scarcity. The "principle of plentitude" affirms that there are enough of the good things to go around, and proclaims the "ethical imperative of generosity," and envisages a world of "ceaseless giving." By showcasing the ways in which the Bible "suggests that identity is a question rather than an answer, provisional and not reified," Schwartz hopes to rescue the "ideal of plentitude" and to provide a "more politically congenial Bible." (That is quite an admission.)

Schwartz's exegetical aim is to repudiate scarcity and to rehabilitate plentitude. What to do, then, with the images of scarcity that abound in the Bible? Appealing to the Bible's preoccupation with memory, but only in order to replace it with one more to her liking, Schwartz advocates a memory governed by the "vision of plenty." Under this new dispensation, memories must be changeable and fluid, and narratives must proliferate, and fixed boundaries around a canon of sacred texts must be resisted. On the basis of slogans such as "truth is multiple instead of single," and "no such thing as accurate memory [is] possible," Schwartz redefines memory as "innovative interpretation" and "genuine rewriting of traditions." I am not sure that either tradition or interpretation is well served when the meaning of memory is transformed into politically driven poetic invention. Contrary to appearances, the resolute refusal to respect the distinction between remembering and creating, the determination to celebrate the continuities between finding and inventing while simultaneously suppressing the differences, betrays a selective eye for the multiplicity of meaning.

Schwartz's respect for multiplicity is also belied by her static and exclusive reading of monotheism's legacy as essentially a legacy of violence. It is true, as she emphasizes in her introduction, that Cain kills his brother Abel because he feels rejected by God. But this killing and its connection to the essence of monotheism must be put in context, as she neglects to do, by considering, say, that the founding act of the Roman empire, Romulus's slaying of his twin brother, Remus, does not occur under the auspices of the one God, but in a world governed by a pantheon of gods. It is true, as Schwartz shows in graphic detail, that biblical monotheism is persistently entangled with cruelty and violence; but it is equally true that plenty of cruelty and violence is on display in the pagan or non-biblically based religions of the world that she purports to admire: the Greek, the Norse and the Hindu gods are not exactly social democrats.

It is also true, as Schwartz notes, that biblical verses were used to justify slavery in the United States; but it is no less true that biblical verses were invoked in this country not only to demand abolition of slavery (as Schwartz does note) but also to secure civil rights. And it is no less significant that slavery flourished in black Africa and South America and China long before these lands were touched by biblical faith. (And caste society in polytheistic India is entangled with the hierarchical world of the Hindu gods.) It is true, finally, that modern European nationalists invoked biblical passages to support their political programs; but it is also true that the Catholic Church has played a crucial role around the world in defending the cause of human rights.

Schwartz is at turns sneeringly dismissive of select biblical texts and self-righteously critical of the tendency that she finds in the Bible to denigrate what is different. Indeed, she is so out of sympathy with the God of the Bible that she is pleased to depict him as a fraudulent wizard:

> "Moses spoke and God answered him with peals of thunder" (Ex 19:19). "I am Oz, the great and powerful. Who are you?" "I am Dorothy, the meek and weak" begins the familiar parody of the Sinai theophany that exposes God as an inept hot-air balloonist from Kansas. Toto pulls back the curtain of the holy of holies, and we see the all too human wizard from Kansas generating his own *mysterium tremendum* at a microphone. But when the system of transcendent omnipotence is debunked, when God's ability to grant wishes, confer a heart, brain, and courage is exposed as not having a source in transcendence at all but in token symbols, it is only to be replaced by another system: nationalism. There is no place like home.

This is very clever. When the Bible teaches that other gods are fraudulent, however, Schwartz accuses it of "a particularism so virulent that it reduces all other gods to idiots and so violent that it reduces all other worshipers to abomination." So it is vicious for the Bible to reduce other gods to idiots, but it is right and proper for Schwartz to reduce the God of the Bible to an idiot. Her vision of multiplicity is capacious enough to contain everything but a transcendent deity.

Schwartz writes that, "in the myth of monotheism pluralism is betrayal, pun-

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ishable with every kind of exile: loss of home, loss of the land, even alienation from the earth itself." She does not say that the myth of monotheism *may* regard pluralism as betrayal, but declares confidently and categorically that "pluralism is betrayal," that monotheism in its essence seeks to root out pluralism. In fact, biblical monotheism may be seen as providing the rich soil that nourishes respect for pluralism, especially that form of pluralism that above all respects persons in their extraordinary diversity.

One place to see this is in the fascinating chapters with which the Bible begins. Schwartz discusses these chapters, but her discussion is tendentious. Consider her discussion of the creation of man. In Genesis 2, man is made from the "dust of the earth," and so Schwartz asserts that, according to the Bible, "to be human is to be made of land." Well, yes, Adam is made of *adama*, or "earth," but not of "land," which carries all the connotations of nation, power, and sovereignty that Schwartz is hoping to find. Schwartz herself perceptively points out the universalism implied by the biblical teaching that human beings are all made of the same element. The problem is that she conveniently forgets to mention in this context that Adam is also infused with life from the breath of God, and, according to Genesis 1, man and woman are made by God in His image. This magnificent idea, which encourages the thought that all human beings are of infinite worth and deserving of fundamental respect, cannot be found in all religious traditions.

Today this monotheistic notion receives expression in the doctrine of universal benevolence, the commitment to human rights, and the assumption of equality, all of which are moral principles that are so much taken for granted in the West that it tends to be viewed as a mark of bad manners to ask after the reasons that underlie them. Many liberals have become increasingly inarticulate concerning the foundations of their belief in the principle of freedom and equality for all, and postmoderns are notoriously dismissive of the search for foundations for their celebration of self-creation for each. But inarticulateness is not a weakness of the biblical perspective. Even when we in the West criticize the West's legacy of colonialism and imperialism, activities that we have not been alone in practicing but which we lead the world in condemning, we do so on the basis of a notion of human dignity, one of whose justifications (not its only one, but a plain and powerful one) derives from the humane and humanizing Bible.

The importance of the idea that every individual is created in the image of God is perhaps nowhere more dramatically revealed than in the Garden of Eden story. All too commonly the story of the first man and woman is viewed as a fall from an initial state of wholeness, peace, and perfection, or, in Schwartz's terms, a descent from the law of plentitude to the law of scarcity. There is much support in the text, however, for seeing the story as one of ascent, from a barren state of satisfaction and completeness to a painful and fractured condition which, through the gift of incompleteness, makes possible the love and the knowledge of what is good.

Before eating from the tree of knowledge of good and evil, Adam does not laugh or shed tears, pause with surprise or suffer anguish, raise his eyes in awe or lower them in shame. Dwelling alone, in natural splendor and abundance, no doubts assail him, no beauty enthralls him, no task elevates him. Adam seems, when first we encounter him, singularly devoid of humanity. Since he neither protests his solitude nor complains of unsatisfied needs, the Bible gives the impression that in the beginning Adam is content in his garden paradise. But his judgment is called into question by God's divergent judgment: "It is not good for man to be alone; I will make a fitting helper for him."

It appears that one becomes truly human in the presence of another, for God casts a deep sleep upon Adam and, in the interests of finding a companion truly suitable for him, fashions a human being out of Adam's rib. When Adam awakes, God brings the new creature to him to receive a name. Adam proceeds to deliver a short technical discourse, noting that his new companion is, like himself, composed of flesh and bone. Dispassionately calling attention to the difference between their bodies, Adam says that the new creature should be called woman (*isha*), because she was taken out of man (*ish*). Somehow Adam omits to mention, or perhaps he just fails to see, the distinctive and highest element out of which the woman is formed. But the text notices it, and it underscores one of the rainbow of impulses and passions that are invisible at the first encounter between Man and Woman: they do not feel shame at being naked. The Bible thereby invites us to wonder what it is that neither sees that might have caused them both to feel shame.

Something, apparently, that only comes to light as a result of eating from the tree of knowledge of good and evil. Everyone knows that the woman eats the

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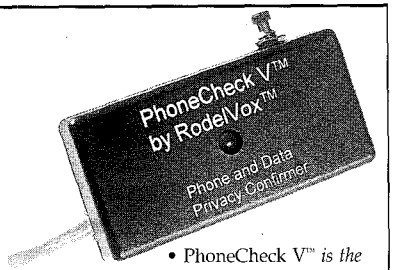

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forbidden fruit because in her weakness she succumbed to the wiles of the snake. And then she seduced Adam into the same transgression. But not all transgressions are equal, and this one especially must be placed in context. Since we are told by the Bible that the tree of knowledge of good and evil is a "delight to the eyes" and a tree "to be desired to make one wise," it is reasonable to speculate that it is her passion for moral knowledge that draws the woman to the forbidden fruit and renders her particularly vulnerable to the serpent's arguments. Indeed, one is obliged to wonder what defect or impoverishment of the soul makes Adam obtuse to the serpent's rhetorical gifts and oblivious of the tree's sweet delights.

Subsequent events suggest that the woman's transgression brings a great deepening of the human spirit. When the woman shares the fruit with Adam, something quite astonishing happens: "Then the eyes of both of them were opened and they perceived that they were naked; and they sewed together fig leaves and made themselves loin cloths." But what do they see in one another's opened eyes that compels them to cover their bodies? The sense of shame that the Bible now highlights, and the absence of which on Adam's and the woman's first encounter it had previously underscored, provides an important clue. What they perceive is that, standing in the presence of one another, they are standing in the presence of a creature unique and unspeakably precious. But God's image in the other is not all they see. With opened eyes, they see as well that they are composite creatures, each made not only in God's image but also out of humbler materials, materials akin to the dust of the earth. And this complex sight, easily blurred, easily suppressed, is the basis of our knowledge of good and evil, the Bible suggests, and the source of our capacity to feel shame, and the spring of our ability to love. And so it is fitting that it is only after the human desperation and the heavenly curse that Adam calls his wife by her name *Hava* or Eve, meaning "the mother of all the living," for the first time.

Such readings of the biblical text are ruled out by Schwartz's determination to find in the biblical world two rival and absolutely opposed ethical views, the law of scarcity and the ideal of plentitude. Yet she drastically underestimates the case for scarcity, wildly overstates the case for plentitude, and fails to appreciate that the Bible as a whole points the way to an ethic that weaves together respect for scarcity with a vision of plenty.

Schwartz makes the law of scarcity stand for a comprehensive and destructive worldview: "Scarcity, the assumption that someone can only prosper when someone else does not, proliferates murderous brothers and murderous peoples." She writes as if scarcity were an idea that the Bible arbitrarily invented and violently inscribed in the mind of the faithful, as if scarcity were a law manufactured by monotheism out of thin air and which, if we were to construct the correct concepts, we would be free to think away, as if the passion for preeminence were not a powerful impulse of the human heart, as if we could reasonably imagine ourselves bringing into being a world in which there were enough of the good things to go around, as if the desire to stand apart and excel were something to be ashamed of, as if a love were conceivable or desirable which did not draw sharp boundaries between the beloved and the rest of the world.

Although generally overwhelmed in the Bible by the law of scarcity, the ideal of plentitude, in Schwartz's account, is sporadically visible. She opposes God's scattering of the tower builders at Babel "lest they become as gods," which she deems an example of the law of scarcity, to God's making man "in his image," which she regards as exemplifying the ideal of plentitude. But her vision of plentitude, which she admits is utopian, is also, she fails to see, unjustified by the text and a thoroughly reckless imperative for moral and political life. Schwartz believes that being made in God's image means that men should make themselves gods. She arrives at this conclusion (at this late date in modern thought, a banal conclusion) by overlooking several important things. There is a distinction between an image and an original. And whereas she pointed out, in another context, that man was fashioned from the dust of the earth and forgot that man was also made in God's image, here she remembers that man is made in God's image and forgets that man is also made out of what is low, gravity-bound, and perishable. She repeatedly blots out the Bible's teaching that man is neither simply earthbound nor purely a heavenly creature, but an unstable mix of earthly and heavenly elements.

The law of plentitude, for Schwartz, means the rejection of one God in favor of many gods; and it requires not merely diminishing the distance between the divine and the human but entirely eliminating it. Indeed, had the principle of plentitude that is occasionally visible in the Bible taken hold, then, Schwartz argues, "Israel would have longed to be not only a kingdom of prophets or priests, but a kingdom of Gods." In all this, she is rather too kind to gods. It does not occur to Schwartz to reflect on the legendary incapacity of gods to maintain peace among themselves. Indeed, in her idolatrous humanism, Schwartz sees no reason why we should reject the imperative to self-deification.

But reject it we should. Scarcity and plenty should not be pried apart and set up as opposing moral visions, one standing for darkness and depravity, the other for sweetness and light. Nor should they be seen as myths or characterized as laws. Both scarcity and plenty are real, and neither tells the whole story or ultimate truth about the world. The experience of scarcity and the intimations of plenty should be seen instead as opposite poles between which the moral life oscillates. And the moral vision that contains both scarcity and plenty can be seen in the story of the Tower of Babel, though not in Schwartz's interpretation of it.

According to Schwartz, the story of the Tower of Babel is a simple tale told in black and white, a story of "God crushing man's heavenward ambitions and punishing him with divisiveness." The consequence of the people's pride and their rebelliousness is "bondage to a human overlord." And thus "the division of people into peoples is not in their interests, but in the interest of maintaining the power of a tyrannical threatened deity jealously guarding his domain." Perhaps. But the story can be read in other ways. Indeed, the Tower of Babel tale readily lends itself to being read as part of God's moral education of mankind.

The nine verses that chronicle the tower builders' ambition and the frustration of their project reveal a people of few words and limited desires united by a common language and a shared longing. The general impression is one of innocence and childlike simplicity. For the sake of preserving unity, the people resolve to build a city, construct a tower with its top in the sky, and make for themselves a name. But God thwarts their ambitions by descending from the heavens, confusing their language, and dispersing mankind into separate nations. Neither the tower builders' motives nor God's are entirely clear in the text. But the tower-building may plausibly be said to have reflected a confusion of heart, an illusion of God's proximity and accessibility, a delusive hope to abolish by means of mortar and brick the fearful distance separating God from man. Such an interpretation suggests that it is more than a coincidence that the name of the city where men sought to reach God was called Babel, a word which comes from a root meaning "confusion" and which

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contains in a confused arrangement the Hebrew word for "heart." The story of Babel thus prizes not the monumental artifacts produced by human hands nor the magnificent structures created by the human mind, but the true service of the human heart. It is the latter that brings man closer to God.

Most surprisingly, perhaps, Schwartz does not see that the outcome at Babel was precisely the diversity for which she thirsts. The rainbow of tongues and ways of life brought about by God's dispersion of mankind at Babel is, the Bible seems to suggest, an expression of His wisdom. Unity and plenty no less than scarcity and division seem to carry with them dangers to the human spirit. A single nation united by a universal language promotes a false sense of human powers, of what human beings can accomplish by taking matters into their own hands. And so, contrary to Schwartz, who insists that monotheism hates pluralism, the Bible teaches that pluralism is a gift that God bestows on humankind to focus our gaze, refine our hearts, and make us more human.

Like Adam and Eve, then, the builders of Babel were emancipated from a peaceful, easy plenty rooted in an uncomplicated and uncomprehending unity. They ascended to a realm where good things are scarce, where intimations of wholeness can be heard if one is lucky and listens carefully, where love is possible because we are incomplete beings moved by dreams of completeness. They ascended to a realm that most people know as the world in which we live.

The Bible does have a dark side, and Schwartz has confronted it with gusto. But the Bible's dark side is not the Bible's whole story, and it will be misunderstood if it is wrenched from context, if it is read reductively, if the interpreters who have lived with and transmitted the text are ignored, if its self-presentation as a document that depicts the revelation of the one God, creator of the heavens and earth, is imperiously dismissed out of hand as so much superstitious stuff and nonsense. Had Schwartz approached the Bible with the respect for multiplicity that she preaches throughout her book, she would have contributed more effectively to a venerable tradition of moral criticism. For the curse of Cain is not easily or smugly dispelled. And one of the blessings that the Bible bestows is an understanding of why not.

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TRB *continued from page 6*

her through his new Democratic Party friends. At his request, DNC Chairman Don Fowler asked the CIA to send Heslin a memo vouching for Tamraz. According to the *Post*, then-DNC treasurer R. Scott Pastrick also lobbied Gore's office. But nothing availed. Neither Gore nor Heslin would budge. When Fowler pushed Heslin again, she complained to NSC staff director Nancy Soderberg, who warned Fowler to back off.

But money was good for something: access to the president. Despite the NSC's warnings, Tamraz was invited at least six times to the White House in 1995 and 1996, including three times after Heslin's warning that no senior White House officials should deal with him. Thus it was that, on March 27, 1996, the persistent pipeline pusher finally found someone who was willing to lend him an ear: Bill Clinton. At a White House dinner for 120 big Democratic donors, Tamraz gained a few minutes of presidential attention to make his pitch for U.S. support of his oil line project. Clinton, according to the *Post* and the *Journal*, then turned to senior adviser Thomas F. "Mack" McLarty, one of his oldest friends, and asked him to "follow up" on Tamraz's request.

McLarty followed up. Five days later, at yet another Tamraz visit to the White House (this time, a breakfast for donors), McLarty spoke with Tamraz, who thoughtfully provided him with a company brochure and his business card. After the breakfast, McLarty telephoned C. Kyle Simpson, the associate deputy secretary for energy programs at the Department of Energy. He also sent Simpson a memo on the Tamraz proposal, writing "Please review this and let's discuss." Simpson told the *Post* that "McLarty told him the president had met with Tamraz and asked if there was 'anything unique about the proposal that would cause us to be more supportive of it.' "

When a federal official hears from a senior White House adviser that the president wishes to know if there is anything that "would cause us to be more supportive" of something, he understands the outcome that his boss desires. So Simpson asked Jack Carter, the department's expert on the issue, if there was "anything about Tamraz's proposal that would set it apart from the others, that would allow us to be more supportive of it." The *Post* quotes a White House official to the effect that Carter then called Heslin and "pressured" her "to relax her position with respect to Tamraz." But the good Heslin apparently declined to buckle, and, the White House says, the president's request failed to effect the change of policy in the end.

The White House clings to this last shred of a point: that the policy was not in the end reversed, that the quid pro quo failed to achieve ultimately what Tamraz wanted. But this is a smokescreen. The quid pro quo occurred. Tamraz wanted a favor. He paid the president's party a lot of money. He asked the president for the favor. The president delivered the favor. He ordered up the special consideration for which he was asked, and he made it as clear as he possibly could that he wished this special consideration to result in the outcome desired by his financial benefactor. It's not Clinton's fault that somebody at the NSC doesn't understand honest graft.

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LONDON DIARIST

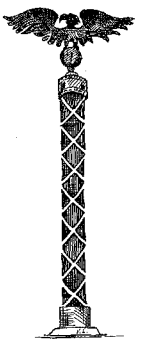
Bombed by reality

I WALKED TO WORK THE OTHER day. Not for the exercise; I just didn't want to risk getting blown up—which is something I've thought about a lot lately, thanks to the Irish Republican Army. Even in the best of times, riding the creaking London Underground can be an adventure. But bomb scares, like the one that recently shut down my subway line, represent an especially egregious commuter nightmare.

PERHAPS, WITH THE RESUMPTION this week of the so-called all-party peace talks on Northern Ireland, there may be some reprieve from the violence. Since shooting a policewoman in the back on April 10, the IRA has been on what passes for its best behavior—at least on its home turf. Still, I can't shake the memory of the recent bomb scares. Maybe it's London's aura of perpetual vigilance—from closed-circuit security cameras to advertisements urging landlords to report suspicious renters. Even infants are enlisted as sentries in the war on terrorism. Several mornings each week, my 1-year-old son plays in the West Hampstead public library, where at toddler eye-level, right next to the toys, a sign blares: "TERRORIST ... BOMBS ... BE ALERT."

THE BRITS ARE USED TO THIS. I'M not. I've lived in London, along with my wife and son, just five months. So what locals euphemistically describe as "security alerts" are still unsettling. My office is in Leicester Square, in the heart of London. Home to the city's major film premieres, the area would make a nifty target for terrorists. And, for a moment a few weeks ago, it looked like I wasn't the only one who thought so. In the middle of the afternoon, policemen summarily ushered people from the square and began the now-familiar hunt for something—a briefcase, a knapsack, a garbage can—that could contain explosives. I felt relatively safe, watching from my twelfth-floor window, until a more experienced coworker urged me to close the blinds. Protection against flying glass, she explained.

THE IRA'S STRATEGY, SO FAR AS ONE can be discerned, is to so complicate daily life that the British public demands its government exit Northern Ireland. In the weeks leading up to May's election, bomb scares tied up transport across the city and forced postponement of the Grand National steeplechase, leaving thousands of fans stranded overnight as police searched for explosives. Though the militants' approach seems tactically clever, it is likely to be a strategic failure: inconvenience isn't enough to get the job done. Life here is pretty inconvenient to begin with. It doesn't take bomb scares to paralyze the Underground; trains older than their drivers do the job quite nicely. The average Londoner, in fact, regarded the latest incidents with resigned boredom. The story didn't even land above the fold the next day in the *Times*.



AND, IF MY FEELINGS ARE ANY indication, the IRA has misjudged its audience. After all, I'm about as sympathetic a Londoner as the IRA is likely to find. I'm Irish-American and proud of it. I can even take you to the exact plot in County Kerry where my great-great-great grandparents lived almost two centuries ago. In America, my family never spent much time griping about seven centuries of British oppression. But growing up in a heavily Irish part of New England, surrounded by Sullivans and Shaughnesseys, one thing was a given: the British were in the wrong in Northern Ireland.

AS A BOY, I HEARD STORIES OF THE nineteenth-century Great Famine, the hunger that killed or forced into exile one-quarter of the island's 10 million inhabitants. My ancestors clung to the land for a few years after the famine, then settled in Holyoke, Massachusetts. They got jobs as teachers, garbage men, letter carriers and mill workers. But they never forgot the "NINA" ("No Irish Need Apply") signs or the workplace apartheid that greeted them. And it's not hard to see how the image of the Irish as a permanent underdog would have flourished in their new home. It was an environment, even decades later, where people were conscious of their ethnic identity, where Italians, Poles and Irishmen still lived in tight-knit neighborhoods that fanned an "us versus them" view of the world. So it seemed obvious to me that Ireland ought to belong to the Irish, not the British. Simple as that.

I STILL FEEL THAT WAY IN GENERAL. But whatever romanticized image I once held of the IRA has dissipated in the violence. The closer you get to Northern Ireland, the more romanticism turns to disgust. The most common rampages today, practiced both by the IRA and its loyalist counterparts, involve so-called "punishment attacks." These savage beatings are carried out by paramilitary gangs against coreligionists deemed guilty of joyriding, drug use or petty crime. The doctors who deal with the consequences of this vigilante justice describe a world of brutal, primitive horrors; victims have been impaled on fences, had spikes driven through their limbs, and been beaten while handcuffed. The weapon of choice in most attacks is a baseball bat, often studded with iron nails.

IT'S ALL TAKEN A BIT OF THE freedom-fighter sheen off the IRA for me. In the United States, liberals like to say all politics is personal. It certainly is here. Every time I ride the Tube home, past the posters warning passengers to be alert to suspicious packages, I wonder whether tonight is the night the IRA strikes another misguided blow for its cause. Sometimes I find myself searching for exits, looking for a way to escape just in case. The experts describe the IRA's strategy as maximum inconvenience with minimum loss of life. I'd be more reassured if the IRA's history wasn't littered with ordinary civilians sacrificed as "collateral" damage.

IN FACT, I FEEL LIKE A BIT OF A SAP for ever having felt otherwise. After all, I've never looked upon Hezbollah or the Red Brigades as heroic. But I was far from alone in my gauzy, Emerald Isle mythologizing. The Irish pubs of Boston, New York and Washington are full of people like me who have a comic book understanding of life in Northern Ireland. Still, my new-found identification with the British public—of which I am now a visiting member—remains incomplete. Every now and again I feel a twinge, as I wonder whether my anger at the IRA represents some sort of ethnic betrayal. It's the same feeling I get when I, the fourth-generation immigrant son of a New Deal Democratic family, hear the voice of a fairly well-off, suburban conservative coming from my mouth.

BUT WHENEVER I GET TOO WORKED up about being a traitor to the cause, I think about the inevitable next step. So far, the scares have been just that. But all the experts agree that sooner or later—to maintain its perverse credibility—the IRA has to plant a real bomb. And that could kill or injure somebody, maybe somebody riding on the Underground, maybe somebody like me or my wife or our son. As I walked to work the other day, I wondered how that would help achieve a united Ireland or, indeed, anything at all.

DAVID J. LYNCH

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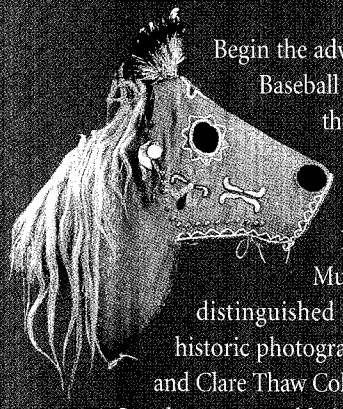

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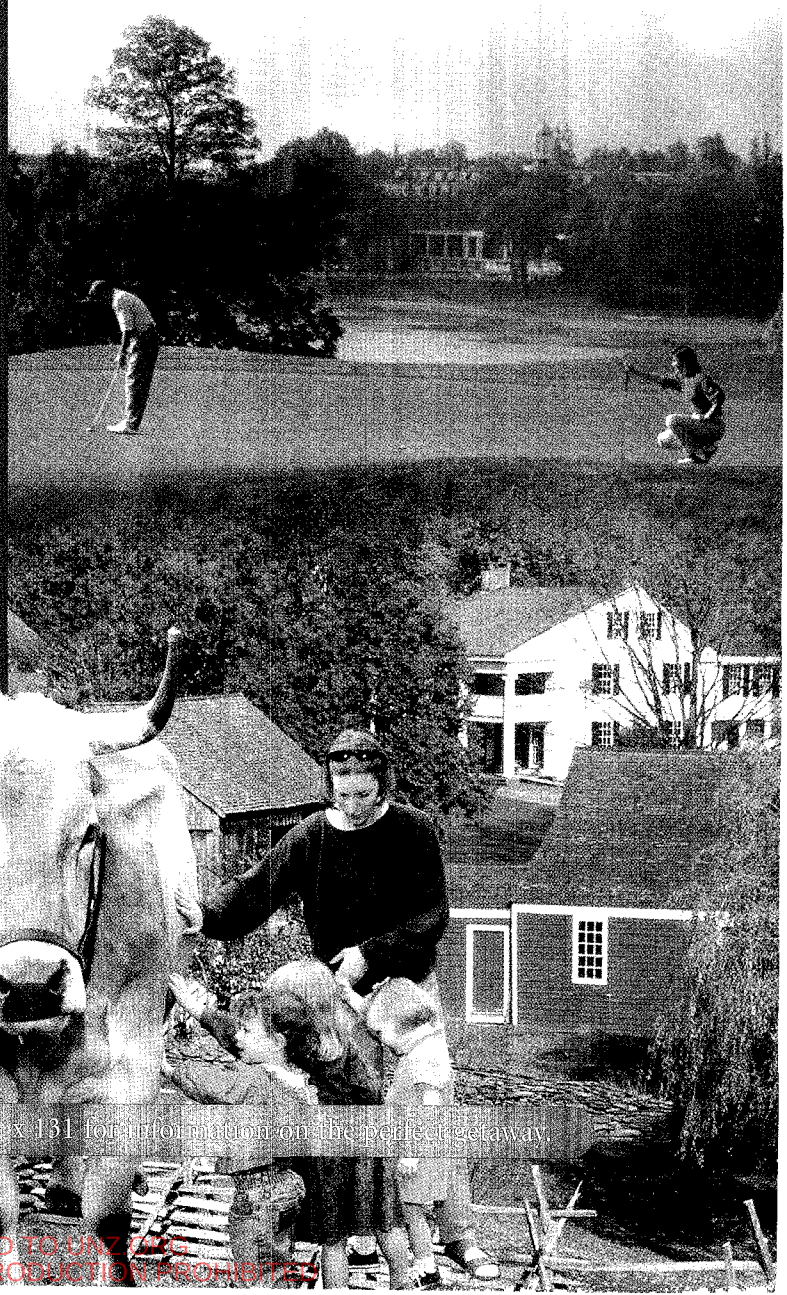

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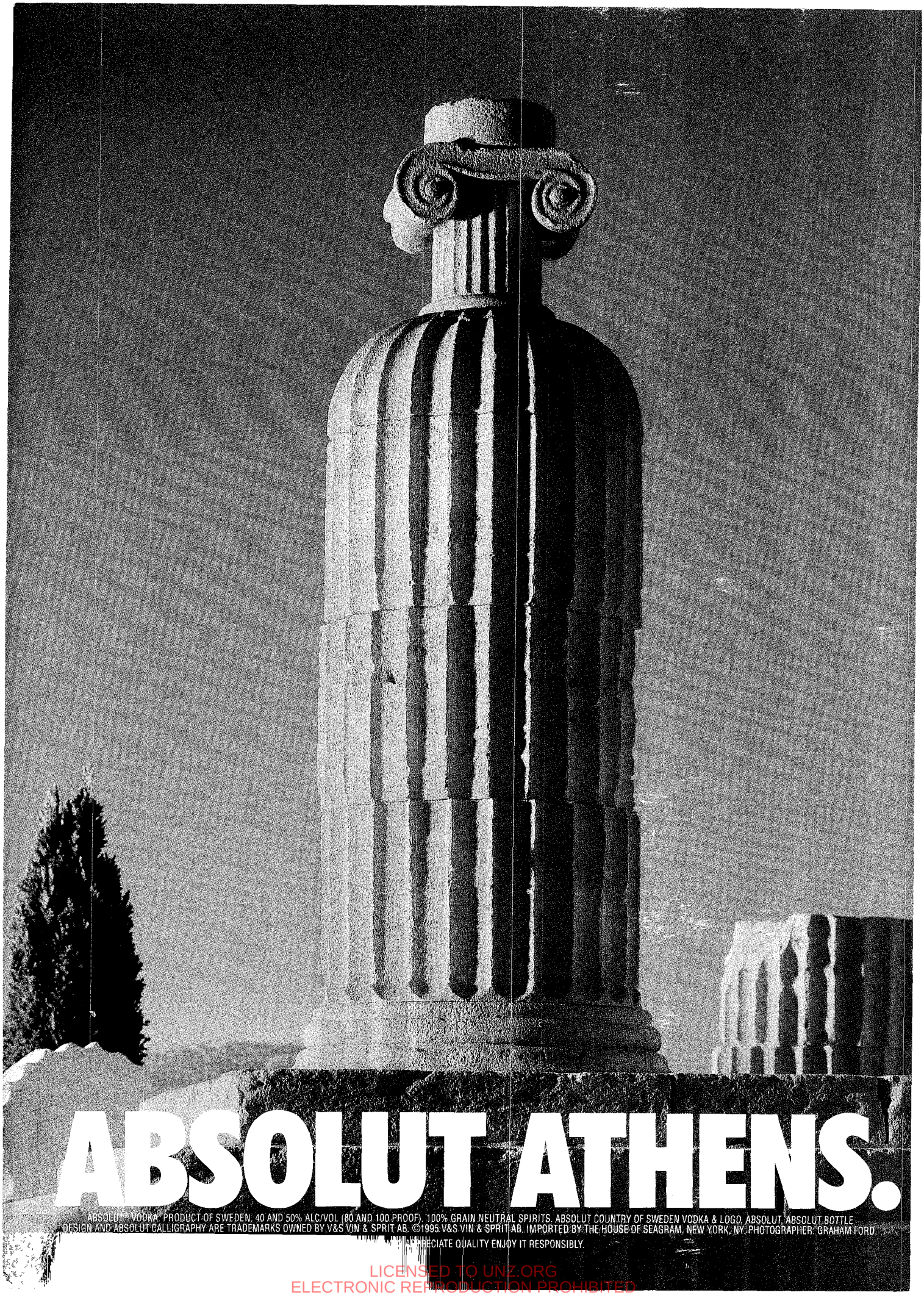

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